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June 14/89 - July 12/89

UREAN/MUNICIPAL

PLANNING AND DEVELOPMENT
COMMITTEE
CITY OF HAMILTON

E. A. SIMPSON
CITY CLERK

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DEPUTY CITY CLERK



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CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 June 8th

NOTICE OF MEETING

URBAN MUNICIPAL

JUN 14 1989

Planning and Development Committee
Wednesday, 1989 June 14th
1:30 o'clock p.m.
Room 233, City Hall

GOVERNMENT DOCUMENTS

Susan K. Reeder.
Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HELD AT
3:00 O'CLOCK P.M. IN THE COUNCIL CHAMBERS.

DUE TO THE LENGTH OF THE AGENDA
A LIGHT DINNER WILL BE SET UP AT 5:00 O'CLOCK P.M.

A G E N D A

(A) DELEGATION - Alderman M. Kiss - General amendment to Zoning By-law to regulate and control "gun shops".

(a) Information Report - Deputy Building Commissioner.

1. Minutes of the meetings held Wednesday, 1989 April 12th, Wednesday, 1989 April 26th and Wednesday, 1989 May 10th.

2. Alderman B. Hinkley - Rental Housing Protection Act.

BUILDING COMMISSIONER

3. Demolition Permit Applications.

4. Demolition of unsafe dwelling - 189 Park Row North.

5. 293 Tragina Avenue North.

(a) Information Report - Director of Property.

CASH IN LIEU OF PARKING COMMITTEE

6. 849 Upper Wentworth Street.

DIRECTOR OF COMMUNITY DEVELOPMENT

7. City of Hamilton Heritage Programme - 129 St. Clair Avenue.
8. Commercial Facade Loan Programme applications.
 - (a) 361 Barton Street East.
 - (b) 155, 157, 159, 161 James Street North.

DOWNTOWN ACTION PLAN CO-ORDINATING COMMITTEE

9. Buffering and Pedestrian Safety Around Downtown Parking Lots.

DIRECTOR OF PROPERTY

10. Proposed Expansion of Retail Space - L. D. Jackson Square - York Boulevard Frontage.
11. Expropriation - 386 Birch Avenue - Alpha Enclave (Plan 4).

COMMISSIONER OF ENGINEERING

12. Cash Payment in lieu of 5% Parkland Dedication - "Aspen West - Phase 4".

CITY SOLICITOR

13. Expropriation of Residential Properties in Alpha Enclave (West).
14. Payment of Account - Weir & Foulds - Sheraton Hamilton Hotel - Approval of assignment of Ground lease to GGS Hotel Holdings Canada Inc.

MANAGER OF PURCHASING

15. Supply and install playstructures - Crown Point West/Stipeley Neighbourhood.

L.A.C.A.C.

16. Heritage Permit - 112 St. Clair Avenue.

BUSINESS LAND USE ADVISORY BOARD

17. Concern Regarding rezoning Industrial lands from "M-12" to M-11" to permit Retail Commercial Uses.

DIRECTOR OF LOCAL PLANNING

18. Highway 20/Centennial Parkway Study Authorization for a Public Meeting.
19. Central Area Plan Implementation Committee.
 - (a) New Members.
 - (b) Future Use of Health Building Site.
20. Neighbourhood Plan Review, North-West Corner of Upper Gage Avenue and Rymal Road East; Eleanor Neighbourhood.
21. Wetlands Draft Policy Statement. (P5-7-4)
22. Proposed Amendment 52/89 to the Niagara Escarpment Plan. (P5-7-1)
23. Site Plan Control Application DA-88-110, Regional Municipality of Hamilton-Wentworth Engineering Department, owner, of property at 37 Kilbride Road; Hannon West Neighbourhood.

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

COUNCIL CHAMBERS

3:00 o'clock p.m.

24. Zoning Application 89-21, M. Dimillo, prospective owner, for a change in zoning from "C" to "HH", for property at 35 Rymal Road West; Kennedy East Neighbourhood.
25. Zoning Application 89-25, A. Kumar, owner, for a change in zoning from "C" to "HH", for property at 41 Rymal Road West; Kennedy East Neighbourhood.
26. Zoning Application 89-33, W. Schinkel, prospective owner, for a change in zoning from "B-1" modified to "C" and "C" modified, for property at 132 Stone Church Road West; Gourley Neighbourhood.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS AND ARCHITECTURE

OFFICE OF THE DEAN

1100 EAST 58TH STREET, CHICAGO, ILLINOIS 60637

TEL: 773-936-5000 FAX: 773-936-5001

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3:15 o'clock p.m.

27. Zoning Application 89-16, Buckingham-York Ltd., owner, for a further modification to the "CR-2" District regulations, for property at 225 John Street South; Corktown Neighbourhood.

Letters of Submission:

- (a) Peter Dalle Vedove, 211 John St. S.
 - (b) Gary & Heidi Evens, 175 Catherine St. S., #64.
 - (c) Jerry McDougall, 100 Forest Ave., #709.
 - (d) Christie Chutko, 57 Forest Ave., #1202.
 - (e) Maria Balla, 78 Young St.
 - (f) Todd Kenny, 100 Forest Ave., #408.
28. Zoning Application 89-17, Polonia Club Ltd., owner, for a modification to the "C" District regulations, for properties at 2 and 4 Solidarnosc Place; Stipeley Neighbourhood.

3:30 o'clock p.m.

29. Zoning Application 89-12, DeMarchi Construction Ltd., lessee, for a change in zoning from "L-pn" to "G-3", for a strip of land adjacent to 291 Grays Road; Riverdale East Neighbourhood.

3:45 o'clock p.m.

30. Jerome Proposed Neighbourhood Plan. (P5-2-82)
31. Subdivision Application 88-21 and Zoning Application 88-131, Hampshire Prop. Inc., A. Weisz Real Estate Ltd. and H. Richter, owners, for a change in zoning from "AA" and "C" to "CR-1" modified and "C" for lands at 1275 and 1317 Upper James Street; Jerome Neighbourhood.
32. Other Business.
33. Adjournment.



REF
ATTN

A(a)

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

RECEIVED C.A.O.

HAMILTON, ONTARIO

1989 June 6

DATE June 06/89
FILE No. 201-0001
LETTER No. 342-39
FILE

Mr. Lou Sage
Chief Administrative Officer
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

Re: 122 Locke Street South, Hamilton

In response to your verbal request for a report regarding the above captioned property, please be advised as follows:

The subject lands are located in an "H" zoning district. The "H" commercial zoning allows a variety of uses included under Section 14(1)(xi) of Zoning By-Law 6593, which states "or retail store of any kind", which would permit the sale of guns and ammunition.

The "H" zoning district under sentence 14(1)(xi) also permits a second-hand goods shop or pawnbrokers shop, both of which could sell used guns.

The "H" zoning district also permits under sentence 14(1)(xiv) a gunsmiths shop which would sell guns or ammunition as long as it is accessory to the principal use of gunsmiths shop.

Please be advised further, that our Inspector attended at this property on June 5th, 1989 to investigate a complaint about a basement apartment.

At the time of inspection, he found that the former tenant was in the process of cleaning out the basement apartment which she had occupied and was now vacating. There was also a second floor apartment which was locked.

At the time of inspection the only work being done in the store was the removal of the store fixtures and decorating in preparation for the proposed new retail use. No building permit would be required for the work being done at the present time.

cont'd....

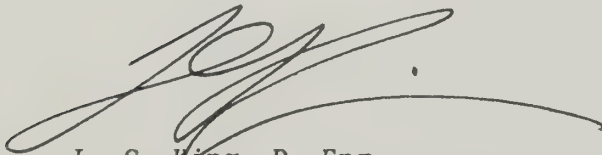
-2-

Our Inspector also spoke with the new owner who advised our inspector that he will be occupying the building for his gun shop and as a single family dwelling for his family.

Therefore, at the time of our inspection, there were no violations of by-laws enforced by this Department.

Trusting this information is of some assistance to you.

Yours very truly,

A handwritten signature in dark ink, appearing to be 'L. C. King', with a long, sweeping horizontal line extending to the right.

L. C. King, P. Eng.
Deputy Building Commissioner

LCK/sb

Wednesday, 1989 April 12
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman D. Christopherson
Alderman M. Kiss
Alderman W. McCulloch
Alderman H. Merling
Alderman D. Ross

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman B. Hinkley - Vacation

Also present: Alderman G. Copps
Mr. V. Abraham, Director of Local Planning
Mr. M. Watson, Real Estate Division
Mr. B. Allick, Building Department
Mr. L. King, Building Department
Ms. J. McNeilly, Community Development Department
Mr. D. Godley, Planning Department
Mr. H. Schweinbenz, Hamilton Street Railway
Mr. G. Robis, Building Department
Mr. R. Karl, Traffic Department
Mrs. C. Floroff, Planning Department
Ms. L. Lawrence, City Solicitor's Office
Ms. A. Gillespie, Planning Department (L.A.C.A.C.)
Mr. K. Brenner, Regional Engineering Department
Mr. P. Barkwell, City Solicitor's Office
Mrs. Susan K. Reeder, Secretary

The Chairman advised the Committee that the minutes as noted on the Agenda were not finalized and therefore not available for the Committee's approval.

Minutes not
finalized.

The Committee was in receipt of a report from the Building Commissioner dated 1989 April 5 respecting Demolition Permit Applications.

Demolition Permit
Applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the following properties:

- (a) 987 Rymal Road East
- (b) 688 Stone Church Road East
- (c) 90 Dundurn Street South

The Committee was in receipt of a report from the Building Commissioner dated 1989 March 30 respecting the 1989 Annual Conference of the Ontario Association of Committees of Adjustment.

1989 Annual
Conference of the
Ontario Association
of Committees of
Adjustment.

The Committee APPROVED the following:

That two members of the Committee of Adjustment BE AUTHORIZED to attend the 1989 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days in 1989 June in Peterborough, Ontario, at an expense not exceeding \$750. each, to be charged to Account No. CH 55201 10010, Legislative Travelling.

The Committee was in receipt of an Information Report from the Building Commissioner dated 1989 March 29 respecting a Cash-in-Lieu of Parking Policy - Relationship to the Committee of Adjustment and the Planning and Development Committee.

Cash-in-lieu of
Parking Policy -
Relationship to
the Committee of
Adjustment and
the Planning and
Development Committee.

Alderman Christopherson asked that this report should have included information on where this policy is going and where it is lacking. He asked that a comprehensive review be done on this subject matter.

The Committee then agreed that this report BE RECEIVED and that the Building Commissioner be requested to undertake a comprehensive review on the Cash-in-Lieu of Parking Policy to include such analysis as where this parking policy is headed, what its deficiencies are, as well as what concerns staff have about the policy. It was also suggested that this report encompass input from the Traffic Department, Planning Department, Building Department and Parking Authority. It was also suggested that the comprehensive review report analyze similar policies established by other municipalities on this issue.

Cash-in-lieu of
Parking Policy -
1322 King Street
East.

The Committee was in receipt of a report from the Building Commissioner respecting Cash-in-Lieu of Parking Policy - 1322 King Street East. The Committee was also in receipt of a letter from Alderman Hinkley asking that approval be given to this matter and indicating that he would be on vacation at that time.

The Committee then discussed this matter and agreed that this item BE TABLED until Alderman Hinkley returns in order that this matter can be more fully discussed.

Property at 293
Tragina Avenue
North.

The Committee viewed a video presentation of the property at 293 Tragina Avenue North. The Committee was also in receipt of a report from the Building Commissioner dated 1989 April 6 respecting this property and asking that the City carry out the work as defined in the Final and Binding Order issued pursuant to the Property Standards By-law.

Considerable discussion ensued on this matter and it was AGREED:

- (a) That the report of the Building Commissioner dated 1989 April 6 recommending that the City carry out the work as defined in the Final Order pursuant to the Property Standards By-law BE TABLED; and
- (b) That the Director of Property BE DIRECTED to investigate the possibility of purchasing this property and report back to the Planning and Development Committee.

Change Order -
Downtown Hamilton
Action Plan,
Phase II.

The Committee was in receipt of a report from the Director of Community Development dated 1989 April 4 respecting a Change Order - Downtown Hamilton Action Plan, Phase II.

The Committee APPROVED the following:

That Change Order No. 18, Downtown Hamilton Action Plan, Phase II, to Delmar Contracting Limited in the amount of twenty-four thousand, seven hundred and fifty dollars (\$24,750.), BE APPROVED.

NOTE: Funds are available in Phase II Account No. CF 5223428403002.

The original contract price for construction of Phase II of the Downtown Hamilton Action Plan was one million, sixty-one thousand, one hundred and two dollars (\$1,061,102.) as approved by City Council 1985 July 16 (P.O. #19070). Subsequent Change Orders reduced the total to one million, fifty-six thousand, seven hundred and seventy-three dollars and nineteen cents (\$1,056,773.19). Change Order No. 18 would bring the total up to one million, eighty-one thousand, five hundred and twenty-three dollars and nineteen cents (\$1,081,523.19).

This increase is required for the costs associated with the delays encountered in the delivery of the H.S.R. luminaire and traffic poles. The Consultant, F. Basciano for Moorhead Fleming Corban and Partners, has advised that twenty-four thousand, seven hundred and fifty dollars (\$24,750.) would be an appropriate amount to cover the Contractor's extra costs.

The Committee was in receipt of a revised report from the Director of Community Development dated 1989 April 12 respecting the 1989 Submission - Business Improvement Areas - Commercial Improvement Programme.

1989 Submission -
Business Improvement
Areas - Commercial
Improvement Programme.

The Committee APPROVED the following:

- (a) That, the Business Improvement Area Commercial Improvement Programme submission attached hereto, and marked APPENDIX "A", BE APPROVED at an estimated gross cost of one hundred and eighty-eight thousand, five hundred and six dollars (\$188,506.); and,
- (b) That the Department of Community Development BE AUTHORIZED to implement the recommendations contained in (a) above.

NOTE: On 1987 January 29, City Council approved the Department of Community Development's Capital Budget submission of five hundred thousand dollars (\$500,000.) per year for the next five (5) years for a total of two and a half million dollars (\$2,500,000.) for the Commercial Improvement Programme.

In 1987 and 1988 City Council approved three hundred and ninety-eight thousand, one hundred and twenty-five dollars (\$398,125.) and, six hundred and forty-seven thousand, one hundred and seventy dollars (\$647,170.) respectively for a total of one million, forty-five thousand, two hundred and ninety-five dollars (\$1,045,295.) in spent and allocated funds to date.

The Committee was in receipt of a report from the Director of Community Development dated 1989 April 5 respecting Transit Shelters in the Downtown Core. Mr. Heinz Schweinbenz of the Hamilton Street Railway outlined this study. The Committee was in receipt of the proposal to the Central Area Plan Implementation Committee for consideration of Hamilton Core Area Transit Shelters dated 1988 November 25. The Committee then APPROVED the following:

Transit Shelters in
the Downtown Core.

That, Phase I of the Recommended Phasing Proposal of the Hamilton Street Railway Transit Shelter Attitude Study BE APPROVED for implementation in 1989.

NOTE: Phase I of the recommended Phasing Proposal will install prototype shelters on the north side of King Street West, west of James Street and on the west side of James Street, north of King Street for a 3 month trial period.

The Downtown Hamilton Action Plan Co-Ordinating Committee and the Urban Design Committee have recommended approval of Phase I. The Urban Design Committee has requested further study by the Hamilton Street Railway of the Public's attitudes prior to approval of additional shelters downtown.

The Committee was in receipt of a report from the Director of Property dated 1989 March 23 respecting Release of Building Covenants - 601210 Ontario Inc. (now, York and Bay Centre Inc.) - 151 York Boulevard, Part 1, Plan 62R-5977 and Part of Napier Street being Part 1, Plan 62-7789.

Release of Building
Covenants - 601210
Ontario Inc. -
151 York Boulevard.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 151 York Boulevard, Hamilton, to release the property from the construction covenants to the City as contained in deed number 332207 C.D.

NOTE: In adopting Section 2 of the Sixth Report for 1985 of the Planning and Development Committee, City Council on 1985 February 26 authorized the sale of Part 1 on Plan 62R-5977 and part of Napier Street being Part 1 on Plan 62R-7789 to 601210 Ontario Inc. The transaction was completed on 1985 October 31. Their proposed building is now completed and all covenants have been fulfilled.

Purchase by the
City - 354 Birch
Avenue.

The Committee was in receipt of a report from the Director of Property dated 1989 April 4 respecting Purchase by the City of Property at 354 Birch Avenue.

The Committee APPROVED the following:

That an Option to Purchase the property at 354 Birch Avenue duly executed by James William McKnight and Rhonda McKnight on 1989 April 3 and scheduled to close on or before 1989 June 19 BE COMPLETED.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 9.60 metres (31.5 feet) by a depth of 32.23 metres (105,750 feet) comprising an area of 251.76 square metres (2,710 square feet) with structures erected thereon. The purchase price of \$94,000. and all costs and associated expenses to be charged to Account #CF 5590 308750001.

Citizen Appointments
- Business Land Use
Advisory Board.

The Committee was in receipt of a memorandum from the City Clerk dated 1989 April 5 respecting Citizen Appointments - Business Land Use Advisory Board respecting the appointment of two Citizen members for the Business Land Use Advisory Board.

The Committee APPROVED the appointment of Mr. Alexander Mouriopoulos and Mr. Andy Roberts to serve on the Business Land Use Advisory Board.

Heritage Permit for
Alterations to
252, 262 and 268
James Street South.

The Committee was in receipt of a report from the Secretary of of the Local Architectural Conservation Advisory Committee dated 1989 February 23 respecting a Heritage Permit for Alterations to 252, 262 and 268 James Street South. This matter had been tabled from the 1989 March 15 meeting in order that the Building Department could have an opportunity to review this application. The Committee was also in receipt of a memorandum from the Building Commissioner dated 1989 March 28 indicating that the Department has no objection to the approval of the Heritage Permit.

The Committee then APPROVED the following recommendation:

That a Heritage Permit application BE APPROVED for alterations proposed for the designated properties at 252, 262 and 268 James Street South, as marked on the plans submitted by Moffat, Kinoshita Associates Incorporated, dated 1989 February 2.

NOTE: The Local Architectural Conservation Advisory Committee at its meeting held 1989 February 13, met with Mr. Jerry Chlebowski of Moffat, Kinoshita Associates Incorporated and gave preliminary approval on the plans for the proposed alterations for these designated properties.

For properties designated under the Ontario Heritage Act, proposed alterations to designated features require Council approval. Presently, only the east, north and south facades are designated, and the interior hallway of 252 James Street South.

This new proposal consists of an adaptive re-use project, converting residential buildings to a commercial use. The former in-fill project has been discontinued and as a result, the new design causes minimal intervention with the exterior views.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 April 5 respecting Heritage Permit - 111 St. Clair Avenue.

Heritage Permit -
111 St. Clair Avenue.

The Committee APPROVED the following:

That a Heritage Permit BE APPROVED for the construction of a garage at the rear of 111 St. Clair Avenue, located within the St. Clair Avenue Heritage District.

NOTE: The Local Architectural Conservation Advisory Committee at its meeting held 1989 March 31 gave preliminary approval for the Heritage Permit.

Any new construction requires a Heritage Permit to be approved by City Council for properties located within a Heritage District pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Urban Design Committee dated 1989 April 4 respecting Bench Advertising.

Bench Advertising.

The Committee APPROVED the following:

That the Planning and Development Committee request the Transport and Environment Committee to:

- (a) Phase out the current programme of permitting benches for advertising purposes on sidewalks abutting Regional roads within Hamilton; and
- (b) Consider a programme enabling Businesses, Organizations and Individuals to donate benches with small inscriptions of recognition for placement adjacent to Regional Roads in Hamilton; and
- (c) That Regional Council be informed of the above recommendation and be requested to phase out bench advertising adjacent to all Regional Roads.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 4 respecting Proposed Draft Plan of Condominium "Forest James".

Proposed Draft Plan
of Condominium
"Forest James".

The Committee APPROVED the following:

That APPROVAL be given to Proposed Draft Plan of Condominium Application SA-89-01, "Forest James", 710218 Ontario Inc., owner, to establish a draft plan of condominium located at the east side of James Street and north of Ferrie Street, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Brian Jacobs, O.L.S., Guido Consoli Surveying Ltd., dated 1988 November 18.
- (b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
- (c) That the neighbourhood plan be amended accordingly.

Municipal Building
Profile.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 4 respecting Municipal Building Profile.

The Committee APPROVED the following:

That the Director of Local Planning BE AUTHORIZED to apply to the Ministry of Housing to provide a \$20,000. grant to fund the development of a Municipal Building Profile.

NOTE: The Ministry of Housing, through the Municipal Building Profile program funds the preparation of residential data bases up to the sum of \$20,000. The total proposed budget is estimated to be \$40,000. The remaining \$20,000. is accommodated within the 1989 Planning and Development budget in terms of staff time predominantly at the Regional level. The City staff's role will be mainly consultative and will be charged to demand responsive projects. The project will have no financial impact on the proposed budget.

The Planning and Economic Development Committee has approved a parallel application for \$20,000. funding for a study which will cover the whole Region. However, due to the City of Hamilton's complex nature and issues it is proposed that the City's residential data base be prepared at a more detailed level. It is anticipated that the two studies (Region and City) will be done together, principally by staff of the Department's. However, a separate application is needed by the City of Hamilton to attract the additional \$20,000. funding.

The Municipal Building Profile will provide comprehensive information about existing housing stock for input into the Housing Statement Update, the Housing Intensification Study, the Central Area Implementation Plan and the review of issues concerning townhousing. It will also provide an ongoing data source about residential stock for monitoring housing policies, analyzing housing issues and reviewing development proposals. The data base will provide information summaries to planners, senior management, the development industry, service agencies, the public, the Province and City Council.

Zoning Applications.

The Committee then moved to the City Hall Council Chambers to hear Zoning Applications.

Amended ZA89-06 -
1120 and 1150
Stone Church Road
East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 3 respecting an Amended Zoning Application 89-06, for property at 1120 and 1150 Stone Church Road East.

Report of the circularization was given as follows:

90 notices sent 11 in favour 2 opposed

The Solicitor for the owner of the adjacent property on Stone Church Road East spoke to the Committee in opposition to this application. He feels that the purchaser of the applicant property paid a low cost for it to the City and that this is unfair since his client paid a higher rate for his property to the Region. He added that if the rezoning is allowed with the ultimate increase in value that it will be further unfair to his client.

The applicants for the application spoke to the Committee and added that the proposal is a benefit to the Industrial Park. He disputed the ease for rezoning and indicated that considerable time has been taken on the proposal to date. He feels that there is a need for this type of centre in Hamilton and that many businesses have expressed interest in locating in this centre. He also added that this proposed building is upscale from the usual industrial building in the area. He will also be amending the proposed building to put in the required number of parking spaces and that the centre would be a one stop centre for home construction and renovations.

The Committee then APPROVED the following:

That APPROVAL be given to amended Zoning Application 89-06, Hamilton General Homes (1971) Ltd., and Multi-Area Development Inc., owner, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit a "Home Design Centre", offices and a bank, for property located at 1120 and 1150 Stone Church Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

- (i) That notwithstanding Section 17F(1)(a) of By-law No. 6593 the following Commercial Uses shall be permitted:

<u>Commercial Use</u>	<u>S.I.C. Identification</u>
1. Household Furniture Stores (With Appliances and Furnishings)	6211
2. Household Furniture Stores (Without Appliances and Furnishings)	6212
3. Furniture Refinishing and Repair Shops	6213
4. Floor Covering Store	6231
5. Drapery Store	6232
6. Other Household Furnishings Store	6239
7. Lawn and Garden Centre	6522
8. Hardware Store	6531
9. Paint, Glass and Wallpaper Store	6532
10. Gift, Novelty and Souvenir Store	6582
11. Other Retail Store, n.e.c. restricted to:	6599
1. Picture framing, retail	
2. Saunas, etc., retail	
3. Swimming pools, retail	
12. Chartered Bank	7021
13. Trust Company	7031
14. Insurance and Real Estate Agency	7611
15. Other Business Service n.e.c., restricted to:	7799
1. Interior Designing Service	

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1120, and that the subject lands on Zoning District Map E-59C be notated S-1120;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for presentation to City Council;
- (d) That the proposed modification in Zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (e) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "Restricted Industrial" to "Restricted Industrial-Commercial".

NOTE: The purpose of the By-law is to provide for a modification to the established "M-14" (Prestige Industrial) District regulations for property located at 1120 and 1150 Stone Church Road East.

The effect of the By-law is to permit, in addition to the uses allowed under the "M-14" District, a "Home Design Centre" containing retail stores (e.g. floor coverings, grapery, paint and wallpaper, hardware, lawn and garden centre, furniture, kitchen cabinets, etc.), offices (e.g. interior design), and a bank.

Alderman Kiss opposed.

Amended ZA89-02 -
1415 Upper Gage
Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 3 respecting an Amended Zoning Application 89-02, for property at 1415 Upper Gage Avenue.

The Committee was also in receipt of a letter of submission dated 1989 April 5 from Mrs. Shirley G. Kerr.

The Committee APPROVED the following:

- (A) That APPROVAL be given to Amended Zoning Application 89-02, Vaughan Graham, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District, to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to permit construction of two, two-family dwellings, for property located at 1415 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "C", on the following basis:
 - (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District;
 - (b) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 10.(4)(ii) a minimum lot width of 15.0m and a minimum lot area of 540 m² shall be provided and maintained for a two-family dwelling;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1121, and that the subject lands on Zoning District Map E-49C be notated S-1121;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49C for presentation to City Council;
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and
 - (f) That the approved Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Single and Double" residential;

- (B) That the implementing By-law NOT BE PASSED by Council until the applicant submits proof that he has provided the required road widening to the Region.

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified for property located at 1415 Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for two, two-family dwellings. In addition, the By-law provides for a variance to permit a minimum lot width of 15m for a two family dwelling, whereas 18m is required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 30 respecting Zoning Application 88-127, for property at 18 Christie Street.

ZA88-127 -
18 Christie Street.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-127, S. G. Kemp, owner, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property at 18 Christie Street, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the subject lands be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property at 18 Christie Street.

The effect of the By-law is to create four new building lots for single-family detached dwellings and retain the existing dwelling.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 5 respecting an Official Plan Amendment and Zoning Application 88-109, for property at 1200 Upper James Street.

Official Plan
Amendment and
ZA88-109 -
1200 Upper James
Street.

The Committee was also in receipt of a letter of submission dated 1989 April 2 from the Ronalds Family, 831 West 5th Street.

The Committee APPROVED the following:

- (A) That APPROVAL be given to Official Plan Amendment No. 75 to redesignate the subject lands from "Residential" to "Commercial" and to extend the boundary of Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

- (B) That APPROVAL be given to Zoning Application 88-109, John Bear Pontiac Buick, owner, requesting a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District modified, for property located at the rear of 1200 Upper James Street, shown on the attached map marked as APPENDIX "E", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;
 - (b) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That a minimum 9.0m wide planting strip shall be provided and maintained along the westerly lot line.
 - (c) That By-law 79-255 passed by City Council on 1979 August 28 be modified on the following basis:
 - (i) That Section 2 be deleted and subsequent Sections be modified and renumbered accordingly.
 - (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1122, and that the subject lands on Zoning District Map W-9B be notated S-1122;
 - (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and District Map W-9B for presentation to City Council; and,
 - (f) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 75 by the Regional Municipality of Hamilton-Wentworth.
- (C) That the By-law NOT BE PASSED until after the applicant has applied for and received Site Plan Control approval, and provided proof that half of the proposed road allowance located within the subject lands has been deeded to the City of Hamilton.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for property located at the rear of 1200 Upper James Street.

The effect of the By-law is to permit an extension of the existing parking lot at the rear of the subject lands in conjunction with the established automobile dealership, and require a minimum 9.0m wide planting strip along the westerly lot line.

In addition, the proposed By-law will also modify By-law 79-255 to delete the 3m landscaped area within the existing parking lot, since it is no longer required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 6 respecting an Amended Zoning Application 88-65, for property at 1033 Main Street West.

Amendment ZA88-65 -
1033 Main Street West.

The Committee was in receipt of a letter of submission from H. McGee, 195 Arkell Street dated 1989 February 11.

The Committee was in receipt of a letter of submission from D. Crockett, 1070 Main Street West dated 1989 February 14.

The Committee was in receipt of a letter of submission from Dr. B. Finkelstein, 49 Dow Avenue dated 1989 February 24.

Report of the circularization was given as follows:

409 notices sent 8 in favour 18 opposed

Mr. Martin, owner of property at 1070 and 1080 Main Street West, spoke in opposition to this application. He expressed concerns at the parking restrictions that now exist and the impact that this application would have if approved.

Mr. S. Leon, representative of the owner at 25 Dow Avenue, spoke in opposition to this application. He indicated that he feels that approval should not be given in variances for parking on the basis that students do not drive. He then distributed pictures of the parking situation as it now stands.

Mr. Lewis, Solicitor for the applicants spoke to the Committee. Their planner reviewed drawings of the proposal for the Committee's review.

This matter was then discussed in some length by the Committee.

Mr. Lewis distributed copies of their submission in support of the application.

Alderman Kiss spoke in opposition to this application.

The Committee then APPROVED the following recommendation:

That APPROVAL be given to Amended Zoning Application 88-65, Clement Chan, John Chan, and Pauline Kan, owners, for a further modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit a commercial school for Grades 11, 12 and 13 (Block "3"), an accessory combined lodging house/multiple dwelling (Block "1"), and accessory parking (Blocks "1" and "2") for property located at 1033 Main Street West, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-laws 84-234 and 88-44, be further modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14A(1), the following uses shall be permitted:
 - 1) a commercial school providing secondary education containing a maximum of 18 classrooms within the existing building located on Block "3";

- 2) a combined lodging house and multiple dwelling having a maximum gross floor area ratio of 1.99, a maximum of 99 lodging rooms for 198 persons, and a maximum of nine multiple dwelling units for nine residents, only to be used by students attending the commercial school in clause (1) above, shall be permitted on Block "1";
- (ii) That notwithstanding Section 14A(3)(a), a minimum front yard depth of 4.55m shall be provided and maintained for the combined lodging house/multiple dwelling use located on Block "1";
- (iii) That notwithstanding Section 14A(3)(c), a minimum rear yard depth of 1.0m shall be provided and maintained for the combined lodging house/multiple dwelling use located on Block "1";
- (iv) That notwithstanding Section 14A(2), the maximum height of the combined lodging house/multiple dwelling use located on Block "1" shall be five storeys;
- (v) That notwithstanding clauses 1.(g) and (j), and clause 3.(b)(iv) of Table 1 of Section 18A, a minimum of 57 parking spaces shall be required for the uses specified in (a)(i) above;
- (vi) That notwithstanding Section 18A (9), seven of the 57 required parking spaces may be provided on Block "2";
- (vii) That notwithstanding Section 18A (1)(f), a manoeuvring space having an aisle width of not less than 4.52m shall be provided and maintained for the seven parking spaces on Block "2";
- (viii) That notwithstanding Section 4.(3)(b), the lands shown as Block "2" may be used for parking;
- (ix) That Section 2(b) of By-law 84-234 passed by City Council on 1984 October 30, be repealed;
- (x) That the landscaped areas located within the front yard and easterly side yard of Block "3" as existing on the date of passing of this By-law shall be retained and maintained except for required driveways;
- (xi) That a landscaped area having a minimum width of 1.0m shall be provided and maintained along the southerly lot line of Block "1";
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-886b, and that the subject lands on Zoning District Maps W-33 and W-34 be notated S-886b;
- (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-33 and W-34 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for property located at 1033 Main Street West.

The effect of the by-law is to permit the following uses:

- (a) Block 1 - a combined lodging house and multiple dwelling have a maximum gross floor area ratio of 1.99, a maximum of 99 lodging rooms for 198 persons, and a maximum of nine multiple dwelling units for nine residents, only to be used by students attending the commercial school located on Block "3";
- (b) Block 2 - parking;
- (c) Block 3 - a commercial school providing secondary education containing a maximum of 18 classrooms.

In addition, the by-law provides for the following variances as special requirements:

- (d) a minimum front yard of 4.55m for the combined lodging house/multiple dwelling use located on Block "1", instead of 12.0m required (Section 14A(3)(a));
- (e) a minimum rear yard of 1.0m for the combined lodging house/multiple dwelling use located on Block "1", instead of 6.0m required (Section 14A(3)(c));
- (f) a maximum building height of five storeys for the combined lodging house/multiple dwelling use located on Block "1", whereas four storeys is permitted (Section 14A(2));
- (g) to provide a total of 57 parking spaces on Blocks "2" and "3" in conjunction with the combined lodging house/multiple dwelling and commercial school uses, whereas 219 parking spaces are required; (Section 18A, Table 1-1.(g) and (j), and 3.(b)(iv));
- (h) to permit seven of the required 57 parking spaces to be provided on Block "2" (Sections 18A.(9) and 4.(3)(b));
- (i) to reduce the aisle width of the manoeuvring space for the seven parking spaces located on Block "2" from 6.0 minimum to 4.52m minimum (Section 18A.(1)(f));
- (j) to require that the landscaped areas located within the existing front yard and easterly side yard of Block "3" at the date of passing of this by-law be retained and maintained, except for required driveways;
- (k) to require a minimum landscaped area of 1.0m to be provided and maintained across the southerly lot line of Block "1".

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 6 respecting Zoning Application 88-134, for property at 1117 to 1119 Fennell Avenue East.

The Committee was in receipt of a letter of submission from the President of Fenwood Developments Limited, 143 James Street South, Suite 425, dated 1989 March 22.

ZA88-134 -
1117 to 1119
Fennell Avenue
East.

The Committee APPROVED the following:

- (A) That Zoning Application 88-134, Ankam Properties, Ltd., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified (Block - 1), from "G-3" (Public Parking Lots) District to "H" (Community Shopping and Commercial, etc.) District modified (Block - 2), and for further modifications to the established "H" (Community Shopping and Commercial, etc.) District (Block - 3), and the "G-3" (Public Parking Lots) District (Block - 4), to permit construction of a 2 storey building for the Sherwood Branch Library (Blocks 1 & 2), to permit additions to the shopping plaza (Block - 3), and to delete required landscaping and fencing (Block - 4) for property located at 1117 to 1119 Fennell Avenue East, as shown on the attached map marked as APPENDIX "G", BE DENIED, for the following reason:
- (a) The proposed library use is permitted as-of-right under the "C" (Urban Protected Residential, etc.) District regulations. Accordingly, it is unnecessary and would be inappropriate to rezone the lands "H" Commercial, in that such zoning could be considered as a commitment to future commercial development of the lands (Blocks "1" and "2").
- (B) That APPROVAL be given to Amended Zoning Application 88-134, Ankam Properties Ltd., owner, for a change in zoning from "G-3" (Public Parking Lots) District to "C" (Urban Protected Residential, etc.) District modified (Block - 2), for a modification to the established "C" (Urban Protected Residential, etc.) District (Block - 1), and for further modifications to the established "H" (Community Shopping and Commercial, etc.) District (Block - 3) and "G-3" (Public Parking Lots) District (Block - 4), to permit construction of a 2 storey building for the Sherwood Branch Library (Blocks "1" and "2"), to permit additions to the shopping plaza (Block - 3), and to delete required landscaping and fencing on (Block - 4), for property located at 1117 to 1119 Fennell Avenue East, as shown on the attached map marked as APPENDIX "H", on the following basis:
- (a) That the lands shown as Block "2" be rezoned from "G-3" (Public Parking Lots) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2", be modified to include the following variances as special requirements:
- (i) That notwithstanding Section 9.(3) the following yards shall be provided and maintained:
1. a front yard of a depth of at least 6.0m from Upper Ottawa Street;
 2. a side yard of a width of at least 6.0m along the northerly lot line;
 3. a rear yard of a depth of at least 4.5m along the easterly lot line;
- (ii) That a minimum 6.0m wide landscaped area shall be provided and maintained along the westerly front lot line and the northerly side lot line;

- (iii) That a minimum 4.5m wide landscaped area shall be provided and maintained along the easterly rear lot line;
- (iv) That a visual barrier not less than 1.2m and not greater than 2.0m in height shall be provided and maintained along the northerly side lot line;
- (c) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-laws 78-271, 79-263, 82-97 and 87-107, applicable to the lands shown as Block "3", be further amended to include the following variances as special requirements:
 - (i) That notwithstanding Section 14.(5) of By-law No. 6593 a maximum gross floor area of 8,858m² (95,340 sq.ft.) shall be permitted;
 - (ii) That notwithstanding Table 1 of Section 18A of By-law No. 6593 a minimum of 223 parking spaces shall be provided and maintained;
- (d) That By-law No. 80-272 applicable to the lands shown as Block "2" and "4", be amended as follows:
 - (i) That Section 2.1 and 2.2 be amended by deleting the phrase "and westerly lot lines" and substituting "lot line" therefor;
 - (ii) That the subsequent sections be appropriately amended;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-606c, and that the subject lands on Zoning District Map E-57 be notated S-606c;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-57 for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (C) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the lands shown as Blocks "1", "2" and "3" on the attached APPENDIX "H" thereto.

NOTE: The purpose of the By-law is to provide for changes and modifications in zoning for lands located at 1117-1119 Fennell Avenue East, on the following basis:

- (a) Block 2 - Change in zoning from "G-3" (Public Parking Lots) District modified, to "C" (Urban Protected Residential, etc.) District, modified.
- (b) Block 3 - Further modification to the "H" (Community Shopping and Commercial, etc.) District.
- (c) Block 4 - Further modification to the "G-3" (Public Parking Lots) District.

The effect of the proposed changes is to allow the following redevelopment of the subject plaza:

- (d) Blocks 1 & 2 - Construction of a 2-storey building for the Sherwood Branch Library.
- (e) Block 3 - To enclose an open area of 4,890 sq.ft. under the 2nd level in the north-east part of the plaza, and to permit the construction of an addition having 2,300 sq.ft. to the west of the plaza building.
- (f) Block 4 - To remove the existing fence along the westerly boundary of the parking lot.

In addition, the By-law provides for the following variances and special requirements:

- (g) Block 1 - To require a minimum 6.0m front yard and landscaped area adjacent to Upper Ottawa Street;
 - To require a minimum 6.0m wide side yard and landscaped area along the northerly lot line;
 - To require a minimum 4.5m rear yard and landscaped area along the easterly lot line;
 - To require the provision of a 1.2m to 2.0m high visual barrier along the northerly lot line.
- (h) Block 2 - To eliminate the requirement for a landscaped area and visual barrier along the westerly lot line.
- (i) Block 3 - To allow a total gross floor area of 95,340 square feet, whereas a total of 93,295 square feet is permitted;
 - To require a minimum of 223 parking spaces, whereas 257 are required under the established Site Plan By-law.

In addition, the lands shown as Blocks "1", "2" and "3" have been placed under Site Plan Control.

ZA88-46 - south-west corner of Rymal Road East and Ryckman Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 5 respecting Zoning Application 88-46, for property at the south-west corner of Rymal Road East and Ryckman Street.

The Committee was in receipt of a letter of submission from Mr. and Mrs. Spring, 46 Lister Avenue.

The Committee was in receipt of a letter of submission from Mr. and Mrs. Davidson, 37 Church Street, Stoney Creek, owners of property at 39 Lister Street, received 1989 April 11.

The Committee APPROVED the following:

- (A) That Zoning Application 88-46, P. and J. Zourntos, P. Hatzoglou, A. Tuite, and P. Mancini, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, to permit a neighbourhood plaza on property at the south-west corner of Rymal Road East and Ryckman Street, as shown on the attached map marked as APPENDIX "I", BE DENIED for the following reason:
 - (a) The proposal conflicts with the intent of the draft Allison Neighbourhood Plan, in that the requested "G-4" District permits uses which are considered high traffic generators (i.e. restaurant).

- (B) That APPROVAL be given to Official Plan Amendment No. 76, to redesignate lands at the south-west corner of Rymal Road East and Ryckman Street from "Residential" to "Commercial", and to establish a "Special Policy Area" to prohibit high traffic generators, and that the City Solicitor be directed to prepare a By-law to amend the Official Plan for the Hamilton Planning area for submission to the Regional Municipality of Hamilton-Wentworth.
- (C) That APPROVAL be given to an Amended Zoning Application 88-46, P. and J. Zourntos, P. Hatzoglou, A. Tuite, and P. Mancini, owners, for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to permit a neighbourhood plaza on property at the south-west corner of Rymal Road East and Ryckman Street, as shown on the attached map marked as APPENDIX "I", on the following basis:
- (a) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District;
 - (b) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations as contained in Section 13D of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That Section 13D(1)B(iv) of Zoning By-law No. 6593 shall not apply;
 - (ii) That a minimum 3.0m wide planting strip shall be provided and maintained along the southerly and easterly property lines;
 - (iii) That a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the boundary of the southerly property line;
 - (iv) That a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained within the required 3.0m wide planting strip along the easterly property line;
 - (v) That no vehicular access to or egress from Ryckman Street shall be permitted.
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1123, and that the subject lands on Zoning District Maps E-9D and E-9E be notated S-1123;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-9E for presentation to City Council;
 - (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 76 by the Region of Hamilton-Wentworth.

NOTE: The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to lands located at the south-west corner of Rymal Road East and Ryckman Street.

The effect of the By-law is to permit development of the subject lands for a neighbourhood plaza.

In addition, the By-law provides for the following variances as special requirements:

- (a) To prohibit a Restaurant or refreshment room without any dancing or other entertainment except music;
- (b) To provide a minimum 3.0m wide planting strip along the southerly and easterly property lines;
- (c) To provide a visual barrier not less than 1.2m in height and not greater than 2.0m in height along the boundary of the southerly property line;
- (d) To provide a visual barrier not less than 1.2m in height and not greater than 2.0m in height within the required 3.0m wide planting strip along the easterly property line; and,
- (e) To prohibit driveway access to and from Ryckman Street.

ZA89-04 -
55 Queen Street
North.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 30 respecting Zoning Application 89-04, for property at 55 Queen Street North.

The Committee APPROVED the following application:

That Zoning Application 89-04, Patran Holdings Limited, owner, requesting a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "CR-2" (Commercial - Residential) District to permit a mixed Residential - Commercial development comprised of a 15 storey apartment building having 268 units, a two storey retail building and a 3 storey office building, for property located at 55 Queen Street North, as shown on the attached map marked as APPENDIX "A", BE TABLED for the Ward Alderman to hold a Public meeting in the Neighbourhood to discuss the proposed development.

ZA88-28 -
1002 West
5th Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 March 17 respecting Zoning Application 88-28, for property at 1002 West 5th Street.

Mr. George Parker, Solicitor for the applicants spoke on the reason that this matter should be approved. He indicated that he feels there is a need for a variety store in this area.

The Committee then DENIED the application as follows:

- (A) That Zoning Application 88-28, G. Marazzato, owner, requesting changes in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2"), to permit the construction of a 2 storey building having commercial uses on the ground floor (stores, offices) and 3 apartment units on the second floor, and to create 2 building lots for single-family detached dwellings, for lands located at 1002 West 5th Street, as shown on the attached map marked as APPENDIX "J", BE DENIED for the following reasons:

- (a) The proposed commercial and apartment development for Block "1", conflicts with the intent of the Official Plan and approved Gourley Neighbourhood Plan which designate the subject lands for "Single and Double Residential" use;
- (b) The proposed commercial and apartment development on Block "1" would be incompatible with existing and proposed single-family residential development on adjoining lands; and

- (c) Approval of the proposed commercial and residential development on Block "1" would set an undesirable precedent for future similar applications in the surrounding area.
- (B) That APPROVAL be given to Amended Zoning Application 88-28, G. Marazzato, owner, for a change in zoning from "AA" (Agricultural) District for lands located at 1002 West 5th Street, as shown on the attached map marked as APPENDIX "K", on the following basis:
 - (a) That the subject lands be rezoned from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 1002 West 5th Street.

The effect of the By-law is to permit development of the subject lands for single-family dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 5 respecting the Commercial Strip Study.

Commercial Strip Study.

The Committee agreed that work on this study be discontinued and that NO FURTHER ACTION be taken on this matter.

There being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 April 12

Wednesday, 1989 April 26
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman H. Merling
Alderman D. Ross

Regrets: Alderman M. Kiss - Family Illness

Also present: Alderman D. Agostino
Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. V. Abraham, Director of Local Planning
Mr. J. Gartner, Regional Planning
Mr. P. Lampman, Building Department
Mr. J. Schwarz, Regional Planning Department
Mr. D. Vyce, Director of Property
Mr. B. Allick, Building Department
Mr. G. Robis, Building Department
Mr. D. Powers, City Solicitor's Office
Ms. J. Hickey, Planning Department
Ms. J. McNeilly, Community Development Department
Ms. L. Lawrence, City Solicitor's Office
Mr. K. Brenner, Regional Engineering Department
Mr. J. Sakala, Planning Department
Mr. J. Thoms, Commissioner of Planning and Development
Mr. H. Yeghouchian, Planning Department
Mr. P. Mallard, Planning Department
Mr. R. Karl, Traffic Department
Mr. D. Godley, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meetings held Wednesday, 1989 February 22, Wednesday, 1989 March 29 and Friday, 1989 April 7. The Committee APPROVED these minutes.

The Committee was in receipt of a report from the Building Commissioner dated 1989 April 19 respecting Demolition Permit Applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the following properties:

- (a) 318 Jackson Street West
- (b) 882 Upper Wentworth Street

The Committee was in receipt of a report from the Director of Community Development dated 1989 April 17 respecting grant/loan(s) - Ontario Applications - Ontario Home Renewal Programme.

The Committee APPROVED the following:

That the Director of Community Development BE AUTHORIZED to process the following grant/loan(s) in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

Minutes - 1989
February 22,
1989 March 29,
1989 April 7.

Demolition Permit
Applications.

Applications -
Ontario Home Renewal
Programme.

- (a) Hugh & Verna Adams
603 Queensdale Avenue East
- (b) Stephen & Margaret Mark
9 Coral Drive
- (c) William & Helen Stewart
19 East 15th Street
- (d) Maria Hanas
179 West 26th Street

Installation of Air
Conditioner
Regulations.

The Committee was in receipt of a letter from Alderman Hinkley dated 1989 March 23 respecting Installation of Air Conditioner Regulations.

The Committee was also in receipt of an Information Report from the Building Commissioner dated 1989 April 18 on Set Back Requirements of Air Conditioners.

Alderman Hinkley spoke on this issue which involves a Constituent of his and general discussion ensued on this matter. It was agreed by Alderman Hinkley TO RECEIVE the information of the discussion.

Amendment to ZA88-
26 - 1780,1790,1796,
and 1808 Main St.W.

The Director of Local Planning indicated to the Committee that there is a need to amend Zoning Application 88-26, for property at 1780, 1790, 1796 and 1808 Main Street West for a further variance.

The Committee AGREED to this and directed that the Director of Local Planning prepare the necessary amending resolution for presentation to City Council.

Extension of Draft
Approval for
"Ridgeview Estates"
Subdivision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 17 respecting Extension of Draft Approval for "Ridgeview Estates" Subdivision.

The Committee APPROVED the following:

That the Regional Municipality of Hamilton-Wentworth BE REQUESTED to grant a one year extension to the draft approval for "Ridgeview Estates" Subdivision (Regional File No. 25T-76046).

Bill 128 - Amendment
to The Planning Act
- Exclusionary
Provisions of
Zoning By-law 6593.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 19 respecting Bill 128 - Amendment to the Planning Act respecting the Exclusionary Provisions of Zoning By-law 6593.

The Committee APPROVED the following:

That By-law 88-230, in its entirety, BE REPEALED since it has been rendered invalid as a result of Bill 128 which prohibits municipalities from distinguishing between unrelated and related persons respecting the occupancy of a building.

NOTE: On 1989 February 27, the Province amended the Planning Act to make it illegal for municipalities to distinguish between related and unrelated persons, respecting the occupancy of a building. Accordingly, the "Family" definition (established by By-law 88-230) contained in Zoning By-law 6593 is now invalid.

In addition, By-law 88-230 amended other sections of the Zoning By-law to ensure that the Zoning By-law remained consistent vis a vis the introduction of the new "Family" definition. In particular, the provisions of Zoning By-law 6593 dealing with lodgers was revoked and incorporated into the definition of "Family" as enacted by By-law 88-230. Since the new definition of "Family" is no longer valid, lodgers are prohibited in Class "A" dwelling units. This is inconsistent with the intent of the Zoning By-law.

Neighbourhood Plan
Amendments -
Housekeeping.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 5 respecting Neighbourhood Plan Amendments - Housekeeping.

The Committee APPROVED the following:

That APPROVAL be given to the following Neighbourhood Plan amendments:

- (a) That the approved Corktown Neighbourhood Plan be amended by redesignating the lands at 175 Hunter Street East, as shown as Block "1", on Schedule "A" attached herewith and marked APPENDIX "B", from "Medium Density Apartments" to "High Density Apartments".
- (b) That the approved North End East Neighbourhood Plan be amended as follows:
 - (i) By redesignating the lands on the east side of James Street North between Macauley Street East and Wood Street East, as shown as Block "1" on Schedule "B" attached herewith and marked APPENDIX "C", from "Single and Double" residential to "Attached Housing".
 - (ii) By redesignating the lands on the north side of Macauley Street East and east of James Street North, as shown as Block "2" on Schedule "B" attached herewith and marked APPENDIX "C", from "Single and Double" residential to "Attached Housing".
 - (iii) By redesignating the lands on the east side of James Street North between Simcoe Street East and Ferrie Street East, as shown as Block "3" on Schedule "B" attached herewith and marked APPENDIX "C", from "Low Density Apartments" to "Attached Housing".
 - (iv) By redesignating the lands on the east side of James Street North between Strachan Street East and Simcoe Street East, as shown as Block "4" on Schedule "B" attached herewith and marked APPENDIX "C", from "Low Density Apartments" to "Attached Housing".
- (c) That the approved Rushdale Neighbourhood Plan be amended by redesignating the lands on the north side of Stone Church Road East adjacent to the Hydro Right-of-Way, as shown as Block "1" on Schedule "C" attached herewith and marked APPENDIX "D", from "Single and Double" residential to "Attached Housing".
- (d) That the approved Strathcona Neighbourhood Plan be amended as follows:
 - (i) The Special designation of reference to City Council Minutes dated 1980 June 24, be removed from the lands between Margaret Street and Locke Street South, between Main Street West and King Street West, as shown as Block "1" on Schedule "D" attached herewith and marked APPENDIX "E".
 - (ii) By redesignating the lands on the east side of Margaret Street between Main Street West and King Street West, as shown as Block "2" on Schedule "D" attached herewith and marked APPENDIX "E", from "Single and Double" residential to "Attached Housing".
- (e) That the approved Thorner Neighbourhood Plan be amended by redesignating the dead end portion of Deerborn Drive adjacent to 2 Southampton Drive, as shown as Block "1" on Schedule "E" attached herewith and marked APPENDIX "F" from "Road Allowance" to "Parks and Recreational".

- (f) That the approved Trenholme Neighbourhood Plan be amended by redesignating the lands at the south east corner of Upper Ottawa Street and Limeridge Road East, as shown as Block "1" on Schedule "F" attached herewith and marked APPENDIX "G", from "Attached Housing" to "Civic and Institutional".
- (g) That the approved Vincent Neighbourhood Plan be amended by redesignating the lands on the east side of Quigley Road between the T.H. & B. Railway and Tindale Court, as shown as Block "1" on Schedule "G" attached herewith and marked APPENDIX "H", from "Commercial" to "Civic and Institutional".

NOTE: The purpose of the amendments to the Neighbourhood Plans is to recognize current land use which will remain for the indeterminate future and to redesignate properties which are no longer suitable for its designed use, due to adjacent development.

These amendments have been identified through administration of Neighbourhood Plans, and are part of the housekeeping process.

Control of Satellite
Dishes.

The Committee was in receipt of letter from Alderman Agostino respecting the Control of Satellite Dishes.

The Committee was also in receipt of an Information Report from the Building Commissioner dated 1989 April 6 respecting the same issue.

Alderman Agostino spoke to this matter and expressed concerns that as these dishes become more affordable that they will be placed on front properties of residential lots, thus creating possible difficulties with aesthetics of the neighbourhood. He indicated that he feels that the locating of these dishes should undergo some form of site plan approval.

The Committee then AGREED that they would refer this matter to the Building Commissioner for a report back on suggestions of possible controls for Satellite dishes as well as background on the number of complaints that have been received and suggestions on this matter.

IN CAMERA Motion.

Moved by Alderman McCulloch, seconded by Alderman Christopherson that the Committee move In-Camera to discuss a matter of a Private and Confidential nature with respect to the Jackson Square Skating Rink.

Alderman Hinkley spoke to this matter and indicated that he does not see a need to move In-Camera to discuss this matter.

Alderman McCulloch then withdrew his motion.

General discussion ensued on whether this matter should be discussed In-Camera. It was then moved by Alderman Christopherson, seconded by Alderman Lombardo and CARRIED to move IN-CAMERA to discuss a matter of a Private and Confidential nature with respect to the Jackson Square Skating Rink. Alderman McCulloch and Alderman Hinkley opposed.

Jackson Square
Skating Rink.

The Committee then move into an IN-CAMERA session following which they moved into REGULAR session and it was moved by Alderman McCulloch, seconded by Alderman Merling and CARRIED that the Committee acknowledge receipt of a letter from Mr. Milligan, of Milligan, Gresko and Charuk, Barristers and Solicitors for Fourth Phase Civic Square Limited in which they indicate that they do not agree with the City's Notice of 1989 February 7 to reopen the Skating Rink and will not be reopening the Rink.

The Committee agreed that they would RECEIVE this letter and take NO FURTHER ACTION.

Zoning Applications.

The Committee then moved into the City Hall Council Chambers for the purpose of hearing Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 17 regarding Zoning Application 88-113, for property at 3 and 7 Bonaparte Road.

ZA88-113-3 and 7
Bonaparte Road.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-113, Wellington Chase Inc., owner, for a change in zoning from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District, for the rear part of properties municipally known as 3 and 7 Bonaparte Road, as shown on the attached map marked as APPENDIX "I", on the following basis:

- (a) That the subject lands be rezoned from "RT-20" (Townhouse - Maisonette) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area; and
- (d) That the Barnstown Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double" residential.

NOTE: The purpose of the By-law is to provide for a change in zoning from "RT-20" (Urban Protected Residential, etc.) District, for the rear part of properties municipally known as 3 and 7 Bonaparte Road.

The effect of the By-law is to establish uniform zoning for the two residential lots fronting onto Bonaparte Road, to permit the construction of two single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 17 respecting Zoning Application 88-135, for property at 172 Beach Road. The staff recommendation recommended denial of the application for the following reasons:

ZA88-135 - 172
Beach Road.

- (a) Adequate parking cannot be provided to accommodate the proposed use; and
- (b) Approval of the application could further aggravate on street parking problems in the surrounding area.

The applicant was in attendance and spoke to this matter. A video of the area was shown to the Committee and those in attendance.

Report of the circularization was given as follows:

190 notes sent 13 in favour 5 opposed

The applicant spoke to the Committee and presented 4 more response cards in favour of the application. The applicant indicated that he provides lodging rooms at a very low cost to people and that these boarders do not drive.

The Committee then discussed this matter and it was moved by Alderman Hinkley, seconded by Alderman Lombardo and carried to APPROVE this application. The Director of Local Planning was directed to prepare the appropriate approval recommendation for presentation to Hamilton City Council.

ZA89-09 -
142 Stone Church
Road West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 14 respecting Zoning Application 89-09, for property at 142 Stone Church Road West.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-09, Giovanni Marazzato, owner, for a change in zoning from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property located at 142 Stone Church Road West, as shown on the attached map marked as APPENDIX "K", on the following basis:

- (a) That the subject lands be rezoned from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the Section 2 of By-law No. 66-134 passed by City Council on 1966 April 26, be deleted and that the subsequent sections be appropriately amended;
- (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property located at 142 Stone Church Road West.

The effect of the By-law is to create a building lot for a single-family detached dwelling, fronting onto Stone Church Road West.

ZA89-13 - 289
Locke Street South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 18 respecting Zoning Application 89-13, for property at 289 Locke Street South.

The Committee was also in receipt of letters of submission from the following:

- (a) Dr. M. Levine, 71 Stanley Avenue.
- (b) Mr. J. Nicholson, 118 Stanley Avenue.
- (c) Mrs. J. Czegeny, 67 Stanley Avenue.

Report of the circularization was given as follows:

201 notices sent 12 in favour 21 opposed

Mr. Peter Doering, 304 Locke Street South spoke to the Committee in opposition to this application. He indicated that he is a long time resident of the area and does not want the residential aspects of the neighbourhood to change. He sited that there is limited parking now and that approval of this application would further aggravate the situation. He also added that Locke Street is very busy now and that additional traffic to the road is not needed.

The owner of property at 77 Stanley Avenue spoke to the Committee. He indicated that he originally objected to the application but that after discussing this matter with the applicant, is now in favour and supports the application. He feels that the neighbouring variety store building is very objectionable to the neighbourhood and as a result any proposal of additional commercial use to the area is not viewed very receptively.

The owner of property at 304 Locke Street South spoke to the Committee and indicated that there are 2 nursery schools in the neighbouring churches and no parking to accommodate traffic. She is opposed to the proposed application.

The applicant then spoke to the Committee and distributed a letter to the Committee giving additional information on his views with respect to his application. He indicated that he originally intended to move into the house but decided to stay where he is (beside the Thistle Club) due to the acceptable development that would be occurring there. He indicated that considerable work has been done on the house to date and that he is unable to sell it because of the store beside it and its unappealing facade and use of the store being change to multi use from variety store. He indicated that he has spent a considerable amount of money to date on improving this house and indicated that the residents beside him are in favour of his application. He feels that the objections received have been against any further type of business such as the variety store which is beside him. He also added that he feels that the house he owns cannot be used for residential use.

Mayor Morrow then spoke to this matter and indicated that the Ward Alderman was out of town due to family illness. He asked that the application be tabled to allow the applicant a chance to talk to those who objected to see if they would be more receptive once he explains his objectives. The Mayor also suggested that parking could be leased from Melrose Church and that certainly the applicant should contact them on this possibility.

It was then moved by the Mayor, seconded by Alderman Lombardo and carried that this application BE TABLED in order that the Ward Alderman could hold a neighbourhood meeting on this matter.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 19 respecting Zoning Application 89-26, for property at 10 Hempstead Drive.

ZA89-26,
10 Hempstead Drive.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-26, Linda MacKenzie and Sharon Addison, lessees, for a modification to the established "M-14" (Prestige Industrial) District, for property located at 10 Hempstead Drive, as shown on the attached map marked as APPENDIX "L", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variance:

- (i) That notwithstanding Section 17F(1)(b) of Zoning By-law 6593, the following commercial uses shall be permitted within the existing building:

<u>Commercial Uses</u>	<u>Identification</u> <u>No.</u>
1. Other Amusement and Recreation: Services n.e.c., restricted to:	9699
1.1 An indoor miniature golf course.	
2. Licensed Restaurant, only in conjunction with an indoor miniature golf course.	9211

3. Unlicensed Restaurant 9212
(excluding drive-in), only in
conjunction with an indoor
miniature golf course.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1124, and that the subject lands on Zoning District Map E-59D be notated S-1124;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to modify the established "M-14" (Prestige Industrial) District for property located at 10 Hempstead Drive.

The effect of the By-law is to permit the following additional uses within the existing building:

- (a) indoor miniature golf course; and,
- (b) a restaurant in conjunction with the indoor miniature golf course.

Site Plan
Control Application
DA88-125,
10 Hempstead Dr.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 18 respecting Site Plan Control Application DA88-125, for property at 10 Hempstead Drive with respect to the inclusion of a pylon sign. The staff recommendation recommended denial of this application for the following reasons:

- (a) The sign is not permitted within the 5.4 metre front yard landscape area; and
- (b) The pylon sign could be located in a location which complies with By-law requirements.

The Committee discussed this matter and it was agreed that this item BE TABLED in order that staff can take a video of the area and bring it back to the Committee so that the Committee can visually see what the sign would look like.

OPA and ZA89-11,
South of Rymal
Road East, and
east of Miles Rd.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 17 respecting an Official Plan Amendment, Zoning Application 89-11, for property at lands south of Rymal Road East and east of Miles Road, as well as Subdivision Application 88-19, for property south of Rymal Road and west of Upper Gage Avenue.

The owner of property at 820 Rymal Road East spoke to the Committee. He indicated that he is not opposed to this application but wants questions answered on the proposed development. He indicated that he is concerned at the natural water course that exists there, and indicated that his house has eavestroughs going underground running into this natural water course.

Considerable discussion ensued on this matter with comments being made by the Regional Engineering Department with respect to this matter.

The owner of the property indicated that he feels he can settle this matter with the developer.

The property owner also indicated that he is concerned at the dust flying because of the traffic flow and the pending construction. It was AGREED that this concern could be addressed through the Ward Aldermen.

Mr. P. Mallard, of the Planning Department, indicated that there is an amendment to be made with respect to the wording of the Zoning Application whereby it refers to "Block 2" and should refer to "Blocks 2 and 8".

The Committee agreed that these revisions be made to the resolution and APPROVED the following recommendations with respect to an Official Plan Amendment, a Zoning Application and a Subdivision Application as follows:

- (A) That APPROVAL be given to Official Plan Amendment No. 77 to redesignate the subject lands from:

Official Plan
Amendment No. 77.

- (a) "Open Space" to "Residential";
- (b) "Residential" to "Open Space";
- (c) "Major Institutional" to "Open Space"; and
- (d) "Major Institutional" to "Residential";

and that the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

- (B) That APPROVAL be given to Zoning Application 89-11, Di Cenzo Construction Co. Ltd., owner, for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District (Block "1"), to "C" (Urban Protected Residential, etc.) District (Blocks "2" and "8") to "R-4" (Small Lot Single-Family Detached) District (Blocks "3" and "4"), and to "RT-20" (Townhouse - Maisonette) District (Blocks "5", "6" and "7"), for lands located south of Rymal Road East and east of Miles Road, as shown on the attached map marked as APPENDIX "M", on the following basis:

ZA89-11 - south of
Rymal Road East, and
east of Miles Road.

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (b) That the lands described as Blocks "2" and "8" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (c) That the lands described as Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (d) That the lands described as Blocks "5", "6" and "7" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- (e) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in section 10E of Zoning By-law No. 6593 applicable to the lands described as Blocks "5", "6" and "7" be modified to include the following variance as a special provision:
 - (i) That Section 10E(2)(a)3. shall not apply;
- (f) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38E and E-49E for presentation to City Council;
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1126, and that the subject lands on Zoning District Maps E-38E and E-49E be notated S-1126;

- (h) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 77 by the Regional Municipality of Hamilton-Wentworth;
- (i) That the Broughton East and Broughton West Neighbourhood Plans be appropriately amended in accordance with the attached maps marked as APPENDICES "N" and "O".

NOTE: The purpose of the By-law is to provide for the following changes in zoning for property located south of Rymal Road East and east of Miles Road;

- (a) Block "1" - Change from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (b) Blocks "2" and "8" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (c) Blocks "3" and "4" - Change from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (d) Blocks "5" "6" and "7" - Change from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, modified.

The effect of the By-law is to permit development of the subject lands on the following basis:

- (e) Block "1" - Establish an Open Space Area (Parkland);
- (f) Blocks "2" and "8" - Permit development for single-family detached dwellings;
- (g) Blocks "3" and "4" - Permit development for "small lot" single-family detached dwellings;
- (h) Blocks "5" "6" and "7" - Permit development for townhouses, excluding street townhouses.

Subdivision
Application 88-19,
- south of Rymal
Road and west of
Upper Gage Avenue.

- (C) That APPROVAL be given to Subdivision Application 88-19, Di Cenzo Construction Co. Ltd., owner, to establish a draft plan of subdivision south of Rymal Road and west of Upper Gage Avenue subject to the following conditions:
 - (a) That approval apply to the plan prepared by A. J. Clarke and Associates, dated 1988 September 19, revised to show 282 lots, 8 blocks (Blocks "282" to "290") for development with adjacent lands, 3 blocks (Blocks "291", "292" and "293") for townhouse development, 1 block (Block "294") for park purposes, 2m x 2m daylight triangles at L-shaped roadways, 12m x 12m daylight triangles at the intersection of Upper Gage Avenue and Street "C", a widening on Street "C" to 26.0m road width, 4 blocks (Blocks "295" to "299") for 0.3m reserves, a 15m radius turnaround road and a reallotting of lots fronting on Upper Gage Avenue.
 - (b) That the road allowances be dedicated as a public highway on the final plan.
 - (c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

- (d) That the final plan conform with the Zoning By-law approved under The Planning Act.
- (e) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "294".
- (f) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
- (h) That the dead-ends and open sides of the road allowances (Blocks "295" to "299") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.
- (i) That Blocks "282" to "290" inclusive be developed only in conjunction with abutting lands.
- (j) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (k) That the owner establish a 15.0m turnaround road at the termination of Beaverbrook Avenue, a road which was draft approved under Regional File No. 25T-79018 (Lillian Heights).
- (l) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (m) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-19), Di Cenzo Construction Co. Ltd, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 10 respecting Proposed Land Exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton; Falkirk East Neighbourhood.

The Committee APPROVED the following:

That the Falkirk East Neighbourhood Plan land use designations DE AMENDED as shown on Map 1, attached herewith and marked APPENDIX "P".

NOTE: The Parks and Recreation Committee forwarded a land exchange proposal to the Planning and Development Committee for consideration. The request to exchange the lands was made by the Hamilton-Wentworth Roman Catholic Separate School Board. This request requires a neighbourhood plan amendment before it can be processed by the Parks and Recreation Committee.

Proposed Land Exchange between the Hamilton-Wentworth Roman Catholic Separate School Board and the City of Hamilton.

From a planning point of view, the land exchange would be beneficial to the neighbourhood residents. It provides for a direct access to the proposed separate secondary school from Upper Paradise Road. This would reduce traffic associated with the secondary school on the interior streets of the neighbourhood.

The proposed land exchange would meet the City's planning objectives. Therefore, the requested land exchange should be granted.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 April 26

Wednesday, 1989 May 10
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman M. Kiss
Alderman D. Christopherson
Alderman H. Merling
Alderman B. Hinkley

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman W. McCulloch - Civic Business
Alderman D. Ross - Regional Business

Also present: Alderman G. Copps
Alderman J. Gallagher
Alderman T. Murray
Alderman D. Drury
Mr. V. Abraham, Director of Local Planning
Mr. P. Lampman, Building Department
Mr. M. Watson, Real Estate Division
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. G. Robis, Building Department
Mrs. N. Chapple, Planning Department (L.A.C.A.C.)
Mr. D. Blacklock, Planning Department
Mr. D. Godley, Planning Department
Mr. B. Salmon, Planning Department
Mr. J. Thoms, Commissioner of Planning and Development
Mr. H. Yeghouchian, Planning Department
Mr. J. Sakala, Planning Department
Mr. T. Gill, Regional Engineering Department
Mr. P. Mallard, Planning Department
Mr. F. Angelici, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meetings held Wednesday, 1989 April 5 and Tuesday, 1989 April 25 and **APPROVED** these minutes.

Minutes - 1989 April 5,
and 1989 April 25.

The Committee was in receipt of a report from the Deputy Building Commissioner dated 1989 May 3 respecting Demolition Permit Applications. The Committee **APPROVED** the following:

Demolition Permit
Applications.

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the following properties:

- (a) 916 Upper Paradise Road
- (b) 930 Upper Paradise Road
- (c) 247 Brant Street
- (d) 377-379 Sherman Avenue North
- (e) 130 Young Street
- (f) 354 Birch Avenue
- (g) 381 Avondale Street

The Committee was in receipt of a report from the Director of Community Development dated 1989 May 1 respecting Applications under the Ontario Home Renewal Programme (O.H.R.P.). The Committee **APPROVED** the following:

Applications - Ontario
Home Renewal Programme.

That the Director of Community Development **BE AUTHORIZED** to process the following grant/loan(s) in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

- (a) Luciano Cacioppo
52 Mulberry Street
- (b) Agnes Filinski
204 Fernwood Crescent

Application - Commercial
Facade Loan Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1989 May 5 respecting an Application under the Commercial Facade Loan Programme.

The Committee **APPROVED** the following:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of fifteen thousand dollars (\$15,000.), **BE APPROVED** for 335 Upper Wentworth St., Ankica Miokovic. The interest rate to be 6-3/4 percent, amortized over 10 years.

Streetscaping along
York Boulevard -
Hamilton Eaton's Centre.

The Committee was in receipt of a report from the Director of Community Development dated 1989 May 2 respecting Hamilton Eaton's Centre, Streetscaping along York Boulevard.

The Committee **APPROVED** the following:

- (a) That thirty-three thousand dollars (\$33,000.) be provided for streetscape improvements to York Boulevard at MacNab Street as requested by Cadillac Fairview Corporation; and,
- (b) That the Co-Ordinating Committee recommend the method of funding this project.

Ministerial Allocation
for 1989 - 1990 Programme
Year - Crown Point West
/Stipeley Programme
(P.R.I.D.E.)

The Committee was in receipt of an added report from the Director of Community Development dated 1989 May 10 respecting Crown Point West/Stipeley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.), Phase II, Ministerial Allocation for 1989-1990 Programme Year.

The Committee **APPROVED** the following:

- (a) That the Planning and Development Committee recommend to the Co-Ordinating Committee that the Crown Point West/Stipeley Phase II P.R.I.D.E. Programme be proceeded with at an estimated gross cost of seven hundred thousand dollars (\$700,000.) - fifty percent (50%) Provincial and fifty percent (50%) Municipal, as provided for in the 1989 portion of the 1989-1993 Capital Budget as No. 072-39001;
- (b) That the City of Hamilton advise the Ministry of Municipal Affairs, Community Renewal Branch of its intention to utilize the 1989-1990 allocation under the P.R.I.D.E. in the Crown Point West/Stipeley Phase II project area as per the attached schedule; and,
- (c) That an interim funding of fifty thousand dollars (\$50,000.) be provided for the planning and organization of the implementation phase of the Crown Point West/Stipeley P.R.I.D.E., including the hiring of any consultants, planning, public meetings, committee meetings, etc.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 May 3 respecting cash payment in lieu of 5% parkland dedication.

Cash Payment in lieu of 5% Parkland Dedication - Ridgeview Estates - Phase 3.

The Committee **APPROVED** the following:

That the City of Hamilton **ACCEPT** the sum of \$7,000. as cash payment in lieu of 5% dedication in connection with "Ridgeview Estates - Phase 3", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Director of Property dated 1989 May 4 respecting release of building covenants - Domglas Inc., 215 and 235 Hempstead Drive - Lots 29 and 30, Plan M-227 - Hamilton Mountain Industrial Park No. 1.

Release of Building Covenants - 215 and 235 Hempstead Drive.

The Committee **APPROVED** the following:

That the Mayor and the City Clerk **BE AUTHORIZED** to execute documents for the purpose of releasing two industrial lots (Lots 29 and 30, Plan M-227) known municipally as 215 and 235 Hempstead Drive, Hamilton from the construction covenants contained in Deed No. 106424 L. T. as these covenants have been fulfilled.

NOTE: In adopting Item 11 of the 13th Report of the Planning and Development Committee on 1981 April 28, City Council authorized the sale of the City owned Lots 29 and 30, Plan M-227, Hamilton Mountain Industrial Park No. 1, to Domglas Inc. The transaction was completed on 1981 May 22. On 1982 September 24, a 43,200 square foot building was completed on the site.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 April 26 respecting the designation of Stinson Street School, 180 Grant Avenue.

Designation - Stinson Street School, 180 Grant Avenue.

The Committee **APPROVED** the following:

- (a) That **APPROVAL** be given to the "Intent to Designate" Stinson Street School at 180 Grant Avenue as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as per the Reasons for Designation, attached herewith and marked **APPENDIX "A"**.
- (b) That the City Solicitor **BE AUTHORIZED AND DIRECTED** to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 May 1 respecting Proposed Draft Plan of Condominium "Spallacci Plaza".

Proposed Draft Plan of Condominium "Spallacci Plaza".

The Committee **APPROVED** the following:

That **APPROVAL** be given to Proposed Draft Plan of Condominium Application SA-89-03, "Spallacci Plaza", Spallacci Construction, owner, to establish a draft plan of condominium located at the east side of Lancing Drive, north of Rymal Road, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated 1989 February 10.

- (b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Housing Intensification
Study - Neighbourhood
Surveys.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 25 respecting Housing Intensification Study - Neighbourhood Surveys.

General discussion ensued on the contents of the survey and the neighbourhoods being surveyed. The Committee then voted on this matter and the following recommendation **WAS APPROVED**:

That the Planning and Development Committee authorize circularization of a Housing Intensification Neighbourhood Survey.

Proposed Plan -
Chappel East and
West Neighbourhoods.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 25 respecting Proposed Plan - Chappel East and West Neighbourhoods.

The Committee **APPROVED** the following:

That the Planning and Development Committee authorized a Public meeting to discuss the proposed neighbourhood plan for the Chappel East and West Neighbourhoods.

Proposed Amendment No.18
to the Official Plan of
the City of Stoney Creek.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 27 respecting Proposed Amendment No. 18 to the Official Plan of the City of Stoney Creek.

The Committee **APPROVED** the following:

- (a) That Proposed Amendment No. 18 to the Official Plan of the City of Stoney Creek does not conflict with the planning intentions of the City of Hamilton; and;
- (b) That the City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above.

NOTE: The Region of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 18 to the Official Plan of the City of Stoney Creek. The purpose of the proposed Amendment is to change the staging of development boundaries for the Stoney Creek West Mountain Area.

Correspondence forwarded
by Mayor Morrow from
Mr. H. Harnden re:
Property at 1610,
1614, 1620 and 1626
Upper Gage.

The Committee was in receipt of a letter from Mayor Morrow to Mr. H. Harnden respecting property he owns at 1610, 1614, 1620 and 1626 West Side of Upper Gage at Rymal Road.

The Chairman indicated that Mayor Morrow has asked that this item be withdrawn. Alderman Merling was in attendance at the meeting and indicated that he wished to speak to this item. The Director of Local Planning indicated that there was a misunderstanding with the information given in Mr. Harnden's letter.

Following some discussion on this matter by the Committee the Chairman indicated that from this point on that any member of the Committee or Council who wishes to place an item on the Agenda must receive the approval of the Chairman first and that the Secretary be insured that his approval is obtained for all such items.

The Committee then agreed to take **NO ACTION** on this item.

Inclusion of City owned
lands located north of
Stone Church Road West
and west of Chesley
Street with ZA 89-15.

The Committee was in receipt of an added report from the Commissioner of Planning and Development dated 1989 May 9 respecting inclusion of City owned lands located north of Stone Church Road West and west of Chesley Street with a Zoning Application 89-15.

The Committee **APPROVED** the following:

That **APPROVAL** be given to include City owned lands with Zoning Application 89-15, and Subdivision Application 88-05, Starward Homes Limited, owner, for property located north of Stone Church Road West and west of Chesley Street, shown as Block "1" on the attached map marked as **APPENDIX "B"**.

Alderman Smith spoke to the Committee on a matter that Alderman Ross wishes the Committee to consider, namely instigating a City Initiative regarding properties backing onto Garth Street, fronting Britten Close.

The Director of Local Planning indicated that the way the zoning stands for these properties, that the owners of the properties backing onto Garth Street are not able to place a structure such as sheds close to their property line.

It was then agreed that this matter **BE REFERRED** to staff for a City Initiative.

Alderman Christopherson spoke to the Committee about a recent conference matter that was distributed to members of the Committee for information and indicated that he is interested in attending the 1989 Central Ontario Planners Conference.

The Committee then **APPROVED** the following:

That the Chairman of the Planning and Development Committee, or his designate, **BE AUTHORIZED** to attend the 1989 Central Ontario Planners Conference on Thursday, 1989 June 15th in Richmond Hills, Ontario.

The Committee then moved to the Council Chambers to hear Zoning Applications.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 May 3 respecting Zoning Application 89-07, for property in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way.

The Committee then **APPROVED** the following:

(A) That Zoning Application 89-07, Adisco Limited, prospective owner, requesting changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified, for property located in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way, shown as Blocks "1" and "2" on the attached map marked as **APPENDIX "C"**, **BE DENIED** for the following reasons:

- (a) The proposed townhouse development conflicts with the intent of the approved Butler Neighbourhood Plan;
- (b) The proposal to introduce Townhouse development at this location in the interior of the Butler Neighbourhood conflicts with established planning practices and, would be incompatible and out of character with existing and future intended development in the surrounding area;
- (c) Approval of the application would establish an undesirable precedent and set the stage for future similar applications to permit townhouse development within areas designated for "Single and Double" residential development.

City Initiative regarding properties backing onto Garth Street, and fronting Britten Close.

Authorization to attend - 1989 Central Ontario Planners Conference.

Zoning Applications.

ZA 89-07 - south of Stone Church Road East and east of the Ontario Hydro Right-of-Way.

- (B) That APPROVAL be given to an amended Zoning Application 89-07, Adisco Limited, prospective owner, for changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "R-4" (Small Lot Single-Family Detached) District, for property located in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the lands described as Block "1" be rezoned by "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for the following changes in zoning for property located in the area south of Stone Church Road East and east of the Ontario Hydro right-of-way:

- (a) Block "1" - Change from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.
- (b) Block "2" - Change from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

The effect of the By-law is to permit development for 51 small lot single-family detached dwellings.

ZA 89-08 - north side of Stone Church Road West in the area east of Garth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 28 respecting Zoning Application 89-08, for property on the north side of Stone Church Road West in the area east of Garth Street.

The Committee was also in receipt of a Letter of Opposition from G. and F. Erickson respecting this application.

The Committee then APPROVED the following:

That APPROVAL be given to Zoning Application 89-08, Starward Homes Limited, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the north side of Stone Church Road West in the area east of Garth Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the lands described as Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the north side of Stone Church Road West in the area east of Garth Street, shown as Blocks "1" and "2".

The effect of the by-law is to permit the creation of nine lots for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 May 3 respecting Zoning Application 89-20, for property at 836 Upper Wentworth Street.

ZA 89-20 -
836 Upper Wentworth
Street.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-20, Barbara Pinto M.D., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified (Block "1"), and for a modification to the established "C" (Urban Protected Residential, etc.) District regulations (Block "2"), for property located at 836 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands described as Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (i) Notwithstanding the provisions of Section 9.(1) of By-law No. 6593, the following commercial uses shall be permitted:
 - (1) a medical office within the existing building;
and,
 - (2) an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
 - (ii) That a minimum 3.0m wide landscaped planting strip shall be provided and maintained across the entire westerly rear lot line, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained within the required 3.0m wide landscaped strip.
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1127, and that the subject lands on Zoning District Map E-18 be notated S-1127;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (c) That Schedule "B" to By-law No. 79-275, as amended By-law No. 87-223, respecting Site Plan Control be amended by adding the subject lands thereto.

- (d) That the amending By-law not be passed by Council until the applicant has applied for and received Site Plan Approval.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and for modifications to the "C" (Urban Protected Residential, etc.) District regulations (Blocks "1" and "2"), for property located at 836 Upper Wentworth Street.

The effect of the By-law is to permit the conversion of the existing single-family dwelling to a medical office use.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit an unlighted name plate having an area of not more than 0.2 square metres attached to and, as nearly as practicable, flush with the wall of the dwelling;
- (b) To require a landscaped planting strip not less than 3.0m wide across the entire rear yard of the property, and a visual barrier not less than 1.2m in height and not greater than 2.0m in height to be provided and maintained along and within the required 3.0m wide landscaped strip.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 May 3 respecting Zoning Application 89-24, for property at 21 Lottridge Street.

The Committee was also in receipt of the following:

- (a) Letter of Objection from Mr. and Mrs. Hill, 827 Cannon Street East.
- (b) Letter of Objection from Elbridge Pond, 25 Lottridge Street.
- (c) Letter of Support from M. Spandonidis, 20 Afton Avenue.
- (d) Letter of Objection from Mr. and Mrs. Makkai, 10 Lottridge Street.

Report of the circularization was given as follows:

210 notices sent 3 in favour 20 opposed

The applicants were in attendance at the meeting and spoke to the Committee on the surrounding neighbourhood use of the houses as multi family use and questioned why they are not being allowed the same use, i.e. triplexing.

The Ward Aldermen then discussed this matter and the problems of illegal conversions in the area. Alderman Hinkley specifically requested that the Building staff investigate the uses of abutting properties further to the applicants indication that the other buildings are being used for triplex or greater use.

The Committee then APPROVED the following denial recommendation:

That Zoning Application 89-24, Maria and Labros Spandonidis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the conversion of an existing two-family dwelling to a three-family dwelling, for property located at 21 Lottridge Street, as shown on the attached map marked as APPENDIX "F", BE DENIED for the following reasons:

- (a) It represents an intrusion of a three-family dwelling into an area occupied primarily by one and two-family dwellings;

- (b) It represents an over-intensification of use, in that the property does not meet the minimum lot area requirement for a converted dwelling. The minimum lot area requirement is $270.0m^2$ (2,906.26 sq. ft.), whereas the property only has $173.11m^2$ (1,863.45 sq. ft.) of lot area. Furthermore, the proposed three dwelling units which range in floor area from approximately $35.58m^2$ (382.96 sq. ft.) to a maximum of $52.69m^2$ (567.15 sq.ft.), do not provide the minimum $65.0m^2$ (699.65 sq.ft.) of floor area for a "Class A Dwelling Unit";
- (c) The cubic contents of the second floor of the dwelling were enlarged to facilitate conversion contrary to Section 19(ii) of Zoning By-Law No. 6593.
- (d) Approval of the application would establish an undesirable precedent and set the stage for other land owners to convert their dwellings; and,
- (e) Adequate parking cannot be provided for the proposed use. In this regard, no off-street parking is available for the current use, whereas a total of 4 off-street parking spaces are required for the proposed three-family dwelling.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 May 3 respecting Amended Zoning Application 88-121, for property at 60 and 76 Harlowe Road.

Amended ZA 88-121 -
60 and 76 Harlowe Road.

The Committee was in receipt of a Letter of Opposition to the Application from the Chief Executive Officer of Wentworth Mould & Die Co. Ltd., 58 Bigwin Road.

Report of the circularization was given as follows:

22 notices sent 1 in favour 2 opposed

The applicant was in attendance at the meeting and spoke on his wish to have his application approved.

The Committee then APPROVED the following denial recommendation:

That Amended Zoning Application 88-121, Arm-Orn Properties Limited, owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations to permit, in addition to the uses allowed in the "M-13" District, uses that are allowed in the "M-14" District and to delete the required minimum 13.5m wide landscaped area for property located at 60 and 76 Harlowe Road, as shown on the attached map marked as APPENDIX "G", BE DENIED for the following reasons:

- (a) It is contrary to the intent of the Official Plan and the Mountain Industrial Area Plan;
- (b) There are other locations in the Mountain Industrial Area where the proposed industrial uses could be more appropriately located;
- (d) Approval of the proposal could encourage similar applications from other properties along Harlowe Road which, if approved, would change the character of the area and may adversely affect the future use of the Mount Albion Conservation Area; and,
- (e) The proposed uses are not considered to be compatible or in character with the established and proposed development in the area, especially the adjoining Mount Albion Conservation Area.

Site Plan Control
Application DA-89-20 -
405 York Boulevard.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 14 respecting Site Plan Control Application DA-89-20, for property at 405 York Boulevard.

The Committee APPROVED the following:

That approval be given to Site Plan Control Application DA-89-20 to amend DA-87-94 by Jubilee Consultant Services, Hamilton, owners of lands known as 405 York Boulevard for a canopy over the disabled entrance area at the rear of the building, subject to the following:

- (a) Modification to the Plan in relation to notes, dimensions, and parking spaces as marked in red on the plan; and
- (b) Approval by the Committee of Adjustment to permit the canopy over the disabled entrance to project 6.6m maximum into the rear yard, instead of the permitted 1.5m maximum.

Site Plan Control
Application DA-88-138 -
400 York Boulevard.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 February 22 respecting Site Plan Control Application DA-88-138, for property at 400 York Boulevard.

The Committee APPROVED the following:

That approval be given to Site Plan Control Application DA-88-138, by 591613 Ontario Inc., owners of lands known as 400 York Boulevard for a Commercial/Residential Development subject to the following:

- (a) Modification to the plans in relation to notes and dimensions, parking as marked in red on the plans;
- (b) Submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and
- (c) Submission of a revised site plan, clarifying the details of the development, to the satisfaction of the Commissioner of the Hamilton-Wentworth Building Department.

Proposed change of
Neighbourhood Plan
and proposals for the
Tiffany Block.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 19 respecting proposed change of Neighbourhood Plan and proposals for Tiffany Block.

Mr. D. Godley of the Planning Department outlined the proposed changes to the Perimeter Road plans, submissions received for zoning changes, etc.

The Architect on behalf of the proposed purchaser of the lands spoke on the development of a residential use in the block and presented drawings on this concept.

General discussion ensued on the process to be used in this matter.

Ms. Kirkpatrick, 192 Bay Street North spoke to the Committee and agrees with the proposed residential use for the area. She indicated that she feels that a decision can not be made until the Perimeter Road location is determined.

Mr. Stewart Farewell, Rheem Canada, spoke and expressed concerns at the proposal. He feels that the plans need to be reviewed in a larger scale not just by block. He indicated that he does not feel that residential use beside their operation would be advisable. He added that he wishes that this matter be tabled until such time as a full report and proposal is compiled on this area.

Mr. Jack Peleck, representative for the proposed purchaser and developer of the lands spoke. He endorses the residential use of the area and indicated that parking would be on site, mostly underground. He added that as the North End is being developed that the plan would fit in very nicely. He added that the present use is very run down and the proposal will provide affordable housing close to the Downtown area. He added that timing is very good for this development and would like to see a resolve to this matter as quickly as possible. He added that they realize that soil testing and noise analyze will be required.

Mr. T. Gill of the Regional Engineering Department outlined the options being considered and procedures being followed with respect to the Perimeter Road plans.

He indicated that proposed plans for the Perimeter Road will be presented on June 6 and 8 and that a Public forum will be conducted in September.

Following considerable discussion on this matter by the Committee, it was agreed that this matter BE RECEIVED and TABLED until the Perimeter Road direction is resolved.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 April 18 respecting Site Plan Control Application DA-88-125, for property at 10 Hempstead Drive.

Site Plan Control
Application DA 88-125 -
10 Hempstead Drive.

The Committee viewed a video of this sign and the area. Mr. J. Sakala of the Planning Department outlined this matter. He also showed three signs in the area that are not complying to the sign requirements.

The applicants spoke on the location of the sign.

The Committee then APPROVED the following denial recommendation:

That Site Plan Control Application DA-88-125 to amend Site Plan Control Application DA-88-17 by Mr. G. Sebastian, owner of lands known as 10 Hempstead Drive, to include a pylon sign BE DENIED for the following reasons:

- (a) The sign is not permitted within the 5.4m front yard landscape area; and
- (b) The pylon sign could be located in a location which complies with By-law requirements.

There being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 May 10



CITY COUNCIL
HAMILTON, CANADA

Brian Hinkley
Alderman Ward 3

71 MAIN STREET WEST L8N 3T4 • (416) 526-2730 • RES. (416) 572-7500

MEMO TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Brian Hinkley

DATE: May 3, 1989

SUBJECT: AGENDA ITEM - RENTAL HOUSING PROTECTION ACT, 1989

Would you please arrange to have the attached information item included on the next agenda of the Planning and Development Committee. I would like to address this matter to the Committee.

Your co-operation in this regard is very much appreciated.

/rd
Encl.



Ontario

Ministry of Housing
Ministère du Logement

777 Bay :
Toronto,
M5G 2E5

ALDERMAN B. HINKLEY

(416) 585-7531

"Copy sent to members of the Planning & Development Committee, Mr. Sage, Chief Administrative Officer, Mr. V. Abraham, Director of Local Planning, Ms. Vanesa Gruppe, Planning Department, Mr. P. Lampman, Building Dept., Mr. K. Rouff, City Solicitor, and Mr. P. Hooker, March 28, 1989

RECEIVED

APR 6 1989

CITY CLERKS

MEMORANDUM TO: All Municipal Solicitors

Dear Sir or Madam:

RE: Rental Housing Protection Act, 1989

On January 31, 1989, the Minister requested the co-operation of municipal council and staff in implementing the provisions of Bill 211 which made vacant buildings subject to the Rental Housing Protection Act, 1986 as of January 31, 1989.

On March 2, 1989, the First Session of the 34th Legislature of Ontario ended. Prior to ending the session, the Legislature passed a motion affecting Bill 211, among others. The motion provides that the Bills moved for second reading remaining on the Orders and Notices Paper at prorogation be continued and placed on the Orders and Notices Paper of the second session of the 34th Parliament at the same stage of business for the House and its committees as at prorogation. The new session is expected to commence late in April. At that time it is intended that Bill 211 will proceed to second reading, and be in place by June 30, 1989.

The passage of the resolution to continue Bill 211, indicates the ongoing intent of the government that vacant buildings will be subject to the Act, retroactive to January 31, 1989.

It is hoped that municipal council and staff will continue to consider applications for permits and approvals for properties which fall under the Act in this light.

If you have any questions or comments regarding this matter, please contact the Rental Housing Protection Program at (416) 585-7527.

Sincerely,

Susan Taylor, MCIP
Co-ordinator
Rental Housing Protection Program

FOR ACTION

3.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Acting Building Commissioner

DATE: June 7, 1989

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:



That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- A. 41 Strathcona Avenue North
- B. 319 Hawkridge Avenue
- C. 1533 Upper James Street
- D. 236 Wood Street East
- E. 1194 Garth Street
- F. 1152 Garth Street
- G. 33 Clinton Street
- H. 13 Magill

That the Committee table the following applications: -

- A. 72 Limeridge Road East
- B. 22 Peter Street
- C. 4 Solidarnosc Place

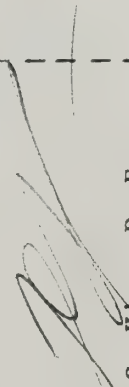
FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

DEMOLITION CONTROL

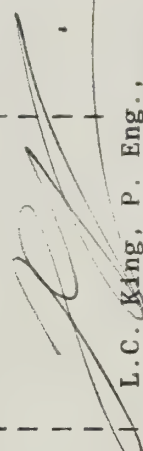
DATE: June 6, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	41 Strathcona N.	S.F.D.	Parking for Church	21.66' X 156.00'	Helenic Community	"E"	It is recommended that Committee approve demolition.
B.	319 Hawkridge Avenue	S.F.D.	S.F.D.	66.00' X 188.00'	Angela Faiazza	"C"	It is recommended that Committee approve demolition.
C.	1533 Upper James	S.F.D.	Commercial	66.00' X 514.53'	491719 Ont. Limited	"G/S-1069"	It is recommended that Committee approve demolition.
D.	236 Wood St. E.	S.F.D.	S.F.D.	45.00' X 149.00'	Joe Leite	"D"	It is recommended that Committee approve demolition.
E.	1194 Garth St.	S.F.D.	East-West Mountain Freeway		Regional Municipality of Hamilton-Wentworth	"AA"	It is recommended that Committee approve demolition.
F.	1152 Garth St.	S.F.D.	East-West Mountain Freeway	75.00' X 290.95'	Regional Municipality of Hamilton-Wentworth	"AA"	It is recommended that Committee approve demolition.
G.	33 Clinton St.	S.F.D.	City Park	271.00' X 110.00'	City of Hamilton	"K"	It is recommended that Committee approve demolition.
H.	13 Magill	S.F.D.	Parking for Proposed Condominium on 400 York Blvd.	62.33' X 37.00'	591613 Ont. Limited	"E/S-481"	It is recommended that Committee approve demolition.
							
					L.C. King, P. Eng., Acting Building Commissioner		

DEMOLITION CONTROL

DATE: June 6, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	4 Solidarnosc Pl.	S.F.D.	Parking for adjacent social club	25.00' X 89.00'	Polonia Club	"C"	It is recommended that Committee table demolition pending zoning Application ZA-89-17. NOTE: House is already demolished.
B.	22 Peter Street	S.F.D.	Commercial	18.33' X 78.19'	B. Morrison D. Nash	"H/S-745"	It is recommended that Committee table demolition. NOTE: Property is of interest to L.A.C.A.C.
C.	72 Limeridge Rd. East	S.F.D.	S.F.D.	60.00' X 176.00'	Mikoloas & Bronislawa Byk	"C"	It is recommended that Committee table demolition. NOTE: House is already demolished.


 L.C. King, P. Eng.,
 Acting Building Commissioner

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Deputy Building Commissioner

DATE: 1989 May 24
COMM FILE:
DEPT FILE:

SUBJECT: 189 Park Row North, Hamilton

MAY 25 1989

RECOMMENDATION:

1. That the Building Department be directed to enforce an Order dated May 15th, 1989 requiring the demolition of the unsafe single family dwelling at 189 Park Row North.
2. That the City Solicitor be authorized to prepare a by-law for the demolition of this property.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The cost of the demolition, together with administration costs of both the Real Estate Department and the Building Department will be added to the tax roll, to be collected in a like manner as municipal taxes.

BACKGROUND:

For a number of years, this property has been the source of complaints from the neighbourhood. However on January 18th, 1989, a fire occurred on the 2nd floor of this dwelling. This fire was caused because the owner ignited combustible material in an oil drum in the bedroom area, because of lack of hydro, gas or water in the building. Consequently, the roof and ceiling of the 2nd floor became involved, causing considerable damage to the roof rafters.

We have had conversation with the owner of the property and have been assured on numerous occasions that he was prepared to do all the necessary repairs and further that he was financially able to comply with our requests.

Photographs are available showing the method of the repairs and construction carried out by the owner, which is totally unsatisfactory.

cont'd...

An inspection by a Professional Engineer employed by the Building Department reveals that the building is in such a deteriorated condition from the basement level to the roof level, that it is structurally inadequate. We have made a thorough inspection of the building and estimate to repair the building to bring it to what could be deemed to be a reasonable state, the cost would be approximately \$80,000.00.

The Health Department have been involved with the condition as it now exists and have in fact issued an Order in accordance with Section 13 of the Health Protection and Promotion Act advising that a health hazard exists on the premises. This Order requires the building to be closed until such time as the conditions are corrected.

Investigations reveal that the reality taxes are paid.

We have received a letter from the Real Estate Department which indicates the present market value is \$25,000.00. The vacant land is estimated at \$32,500.00 and the demolition costs estimated at \$7,500.00.

Corporation of the City of Hamilton
Memorandum

TO: Mr. L. King
Deputy Building Commissioner

FROM: Mr. M.C.J. Watson
Manager, Real Estate Division

OUR FILE:
PHONE: (416) 526-4504


SUBJECT: 189 Park Row Avenue North, Hamilton

DATE: 1989 May 23

In reply to your letter requesting information on the above property, the following estimates are provided:

1. Present Value of the Property - \$25,000.00
Estimate Results from the Lesser of:
 - (i) Value of the property if rehabilitated (\$88,000.00) less costs chargeable against the building (\$80,000.00 estimate) equals approximately \$8,000.00.
 - (ii) Land value \$25,000.00 (Vacant land estimated at \$32,500.00 less demolition costs estimated at \$7,500.00).]
2. Present Value if rehabilitated - \$88,000.00.
3. Value as Vacant Land - \$32,500.00 (Building having been removed).
4. Cost of Demolition and Clearance - Approximately \$7,000.00 - \$7,500.00 (this cost to be deducted from vacant land value).

I hope the above was of some assistance. If further information is required, please contact the writer at 526-4502.


M.C.J. Watson

FOR ACTION

5.

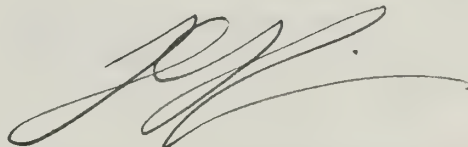
REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L.C. King, P. Eng.
Acting Building Commissioner

DATE: 1989 June 7
COMM FILE:
DEPT FILE: Property

SUBJECT: 293 Tragina Avenue North

RECOMMENDATION:



That the City carry out the work as defined in the final and binding Order issued pursuant to the Property Standards By-Law.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

It is estimated that \$7,000.00 to \$10,000.00 would be required to be expended to bring the exterior of the building to a standard which meets the requirements of the Property Standards By-Law.

BACKGROUND:

The same matter was presented to the Planning and Development Committee on April 12, 1989. The Committee requested that the Real Estate Division of the Property Department approach the owner to determine if he was interested in selling the property to the City of Hamilton.

We have been advised by Mike Watson of the Real Estate Division that the owner does not want to sell the property to the City.

In light of the above, and the lengthy history of the property outlined below, it is proposed that the City carry out the work necessary to bring the exterior of the property up to the standards of the Property Standards By-Law.

The Health Department has been very active in the enforcement of its by-laws referencing the above captioned property. It has been the subject of court proceedings in the Supreme Court and in the District Courts, as well as in Provincial Offences Court. There presently exists a condemnation Order issued by the Health Department prohibiting the use of the building, because it is unfit for human habitation. This Order was issued pursuant to the requirements of the Health Department and there is a substantial amount of monies in the way of fines, levied against the owner, outstanding. The last action was on Friday January 20, 1989 when a fine of \$1,000.00 was levied and the defendant was allowed four (4) months time to pay because of unpaid fines of previous convictions.

This Department has been in close communication with the Health Department with regards to the building.

The garage to the rear of the property was deemed by this Department to be structurally unsound. Consequently, an Order pursuant to The Planning Act was issued. Because of non-compliance with this Emergency Order, the garage was demolished by private contractors at the request of the Building Department to eliminate the unsafe condition and the cost of some \$3,580.00 was added to the tax roll.

During the court hearings instigated by the Health Department, a copy of a contract was filed in evidence by the defendant, that work was to be carried out by a company called A & D Enterprises. This contract being dated November 1, 1988.

We would further advise that the company that issued the contract is not licenced by the Regional Municipality of Hamilton-Wentworth and that the telephone number indicated on this contract is out of service. The company is unknown to the Building Department.

Much of the referenced work on this contract is the work required by our final and binding Order dated August 8, 1988.

Further, recent inspections revealed that no work has been carried out and complaints are being received by the Building Department from the neighbours with regards to the existing condition of this property.

It is estimated that some \$7,0000.00 to \$10,000.00 would be required to be expended to bring the exterior of this building to a standard which meets the requirements of the Property Standards By-Law and to satisfy the concerns of the neighbours.

We have checked with the Treasury Department and find that there is some \$10,562.29 owing in back taxes from 1988 to 1989. This of course includes the costs that are put onto the tax roll from work being carried out by our Department and the Public Works Department as directed by the Health Department.

We have been advised by the Real Estate Department that the present estimated value of this property is \$48,000.00. The estimated value of the property if rehabilitated would be \$58,000.00. The value as vacant land is \$39,000.00 and the cost of demolition and clearing of the property is \$3,000.00 to \$4,000.00.

We would advise that there is a risk involved in the recovery of monies. If it is assumed that once the work is carried out in conformance with the Order, that the Health Department will remove its condemnation Orders and the owner will move back into the property.

For the information of the Committee, this owner has a history of collecting debris and garbage, and even after a property is cleaned up, continues to do so. The owner's previous property at 218 Weir Street North was demolished by City forces because of the same conditions.

FOR INFORMATION

5a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 June 7
COMM FILE:
DEPT FILE: 38.5.115
(4502)

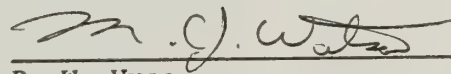
JUN 8 1989

SUBJECT: 293 Tragina Avenue North

BACKGROUND:

Pursuant to the directions of the Planning and Development Committee of April 20, 1989, that the Director of Property investigate the possibility of purchasing 293 Tragina Avenue North, the property owner, Mr. William Rosamond, was contacted to determine if he was interested in selling his property to the City. Mr. Rosamond advised that he has no interest at all in selling the subject property.

In view of the above results, the Committee may wish to have the Building Department follow up as to the next course of action they can proceed with under the Property Standards By-law or any other method of compliance.


D. W. Vyce

c.c. - Alderman D. Christopherson

- Mr. L. Sage, Chief Administrative Officer
- Mr. L. King, Acting Building Commissioner
- Mr. V.J. Abraham, Director of Local Planning

FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L.C. King, P. Eng.
Acting Building Commissioner

DATE: 1989 June 7
COMM FILE:
DEPT FILE: 89.4.2.1.A

SUBJECT: Cash-in-Lieu of Parking Policy for the Property located at 849 Upper
Wentworth Street

RECOMMENDATION:

That in accordance with the Cash-in-Lieu of Parking Policy, the owner of the above noted property be required to pay the City of Hamilton the sum of \$157,500.00 (which is based on 50% of the cost of providing 35 parking spaces) at a total cost of \$315,000.00.

That the City Solicitor be directed to implement the Cash-in-Lieu of Parking Policy and that the said agreement be entered into upon finalization of D.A. 89-24.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The sum of \$157,500.00 will be added to the Reserve for Offstreet Parking administered by The Parking Authority of the City of Hamilton.

BACKGROUND:

On May 23, 1989, Dominion Health Developments on behalf of the owner of the above property, applied to the Cash-in-Lieu of Parking Committee for permission to pay cash-in-lieu of the 35 parking spaces the proposed development is short.

The proposal is to build a 4-storey medical office building having a gross floor area of 4,100 square metres on a lot having a net lot area of 6,663 square metres. This project under the Zoning By-Law requires 191 parking spaces, of which 156 are provided on the lot. The Cash-in-Lieu of Parking Policy is proposed to be applied to the remaining 35 parking spaces.

The Cash-in-Lieu of Parking Committee is recommending that the policy be applied to this development subject to approval of the Development Agreement.

c.c. Members of Cash-in-Lieu of Parking Committee

FOR ACTION

7.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director

DATE: 1989 June 5
DEPT FILE: HERITAGE 57

SUBJECT: The City of Hamilton Heritage Programmes -
129 St. Clair Avenue, Hamilton

RECOMMENDATION:

That a Community Heritage Trust Fund Loan in the amount of fourteen thousand, three hundred and fifteen dollars (\$14,315.), and a Designated Property grant in the amount of three thousand dollars (\$3,000.) be approved for 129 St. Clair Avenue, Donald Quick. The interest rate on the loan will be 6 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The Planning and Development Committee, in a report dated 1982 December 6, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000., or 50% of the cost whichever is less, for the replacement of the heritage features. The Community Heritage Programme provides loans of up to \$20,000. at 6% interest, amortized over 10 years. The property receiving funds under the Programme must be designated by Council as a heritage property, and this was done by Council 1986 April 8. The owner of the property has applied under the terms of the above Programmes to undertake restoration work by H. Kaut in the amount of \$19,310.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of H. Kaut. The City's Building Department also reviewed the estimates and are in agreement that the work conforms to the Schedule, and at a cost in line with the work that is required.

The Department of Community Development therefore recommends that a Designated Property Grant be awarded in the amount of \$3,000., and a Community Heritage Trust Fund loan in the amount of \$14,315. at 6% interest be approved. The monthly payments will be \$158.93, amortized over ten (10) years.

FOR ACTION

8a.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director

DATE: 1989 May 9
DEPT FILE: FACADE 52

SUBJECT: Commercial Facade Loan Programme -
361 Barton Street East, Hamilton

RECOMMENDATION:

That a repayable loan, in the amount of eight thousand, seven hundred and seventy-four dollars (\$8,774.) be approved for 361 Barton Street East, Adao Dacunha. The interest rate will be 6 3/4 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owner of 361 Barton Street East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Adao Dacunha for improvements to 361 Barton Street East, in the amount of \$8,774. The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be \$100.76, and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

FOR ACTION

8b.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director

DATE: 1989 June 7
DEPT FILE: FACADE 18

SUBJECT: Commercial Facade Loan Programme -
155, 157, 159, 161 James Street North, Hamilton

RECOMMENDATION:

That a repayable loan, in the amount of ten thousand, nine hundred and twenty-nine dollars (\$10,929.) be approved for 155, 157, 159 & 161 James Street North, Norma Kazden, Bernard Sherman & Gerald Sherman. The interest rate will be 6 3/4 percent, amortized over 10 years.

E. W. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owners of 155, 157, 159 & 161 James Street North have applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Jamesville Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Norma Kazden, Bernard Sherman & Gerald Sherman for improvements to 155, 157, 159 & 161 James Street North in the amount of \$10,929. The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be \$125.50, and will be secured by a Promissory Note and a lien registered on title. A previous loan was approved 1988 March 15 in the amount of \$10,935. The terms of the Programme allow a maximum grant of \$15,000. per municipal address to a maximum of \$50,000. per owner. The total approved to date is \$21,864.

c.c. R. Camani, Treasury Department

FOR ACTION

9.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Downtown Action Plan Co-ordinating
Committee

DATE: 1989 June 7
COMM FILE:
DEPT FILE: 800-0602.8
800-0602.4

JUN 7 1989

SUBJECT: Buffering and Pedestrian Safety Around
Downtown Parking Lots

RECOMMENDATION:

That, the Planning and Development Department be requested to further review buffering of the parking lots within commercial and/or mixed used districts within the Downtown Action Plan Study Area and make recommendations regarding zoning and/or licensing requirements to address the need for an affective barrier between pedestrians and parking lots for safety as well as aesthetic reasons.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

At the request of the Downtown Action Plan Co-ordinating Committee (DAPCOM), the Planning and Development Department provided a review of the existing zoning By-laws/licensing guidelines for downtown parking lots attached as Schedule 'A'. (The Urban Design Committee were also asked for their comments). This review touched on many important points but the Committee Members are of the opinion that a more indepth review should be carried out including recommendations for tightening up the existing By-laws/guidelines in order that the downtown stays an aesthetically pleasing and safe shopping environment.

One of the main concerns of the DAPCOM Members is the temporary use of lands downtown for parking while in a state of transition to a higher use.

Therefore, the DAPCOM Committee passed the above recommendation, at it's meeting held 1989 May 25.

cc: Mr. J. Thoms, Commissioner
Planning Department
ATTENTION: Mr. V. Abraham, Director of Local Planning



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

General A

May 16, 1989

Refer to File No 4331

Attention of

Your File No

Chairman and Members
Downtown Action Plan Co-ordinating Committee

Members of the Committee:

Re: Buffer/Landscape Strips for Parking Lots

At the Committee meeting of February 9, 1989, the Planning and Development Department was requested to review the "...Zoning By-laws/Licensing Guidelines with a view to include a requirement that buffer/landscape strips be incorporated into all parking lots".

It is understood that the Committee has discussed the future development of the "Zeller's Site", and is concerned temporary parking lot developments could occur in the downtown core with no control over buffering or regard for aesthetics.

ZONING REGULATIONS

The Building Department has advised that a public parking lot is permitted in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.)
- "G-1" (Designed Shopping Centre)
- "G-2" (Regional Shopping Centres)
- "G-3" (Public Parking Lots)
- "H" (Community Shopping and Commercial, etc.)
- "HH" (Restricted Community Shopping and Commercial)
- "I" (Central Business District, etc.)
- "HI" (Civic Centre Protected Districts)

- "CR-1" (Commercial-Residential)
- "CR-2" (Commercial-Residential)
- "CR-3" (Commercial-Residential)
- "J" (Light and Limited Heavy Industry, etc.)
- "JJ" (Restricted Light Industrial)
- "K" (Heavy Industry, etc.)
- "KK" (Restricted Heavy Industrial)

In addition, landscaping requirements are applied on the following basis:

- "G-3" (Public Parking Lots) District

A minimum front yard depth equivalent to an adjoining residential district on that part of the public parking lot distant 12.0 m or more from an adjacent commercial district.

A minimum 1.5 m setback from any residential building in an adjacent residential district, for a side or rear yard.

A 1.2 - 2.0 m high visual barrier along a side or rear lot line that adjoins a residential district, except within 3.0 m of a front lot line.

- Other Zoning Districts

Where five (5) or more parking spaces are provided for a residential, institutional, public or commercial use on a lot adjoining a residential district, a minimum 1.5 m landscaped area with a planting strip and a visual barrier 1.2 - 2.0 m high is to be provided and maintained between the boundary of the parking/loading area and the adjoining residential district.

Furthermore, a minimum 1.5 m wide landscaped area is required along and within every side and front lot line that abuts a highway and any public right-of-way, for a restaurant in an "H" District.

LICENSING

The Licensing Division has advised that the Licensing By-law only contains provisions respecting physical matters (e.g. lighting, barriers, signage, etc.) for parking lots, not "aesthetics" (i.e. landscaping).

COMMENTS

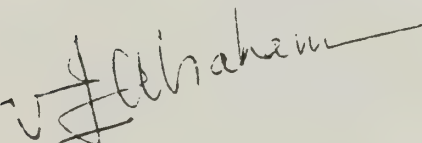
The foregoing requirements are intended to mitigate the potential negative spill-over effects (e.g. noise, headlight glare) of parking areas on adjoining residential districts. Except for restaurants in an "H" District, and the front yard requirement for "G-3" (Public Parking Lots) adjoining a residential district, no provision is made in the Zoning By-law for landscape requirements for parking lots.

From an urban design perspective, the principle of requiring landscape treatment for all parking lots, especially within the downtown area, has merit. Potentially, such requirements could provide a significant aesthetic benefit with respect to streetscape enhancement and beautification.

For example, the Zoning By-law could be amended to require the provision of a planting strip (approx. 3.0 m wide) where a public parking lot adjoins any street, excluding any area used for access or egress. In addition, a minimum 1.5 wide planting strip and visual barrier could be required where a public parking lot adjoins a residential district, as per the "G-3" District provisions.

Should the Committee wish to pursue this matter, further study at the direction of the Planning and Development Committee would be required prior to the consideration and introduction of any such provisions.

Yours truly,



V.J. Abraham, M.C.I.P.
Director of Local Planning

PDM/ma
WP0096P

FOR ACTION

10.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

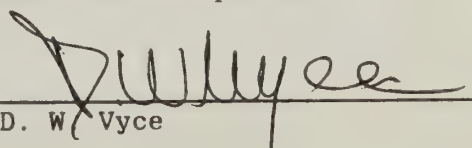
FROM: Mr. D. W. Vyce
Director of Property and
Co-ordinator of the L.D.Jackson Square

DATE: 1989 June 7
COMM FILE:
DEPT FILE: 80.3.441
(2719)

SUBJECT: **Proposed Expansion of Retail Space
L.D.Jackson Square - York Boulevard Frontage**

RECOMMENDATION:

- (a) That the City, in its capacity as Landlord, Grant **CONDITIONAL APPROVAL** to Second Phase Civic Square Limited to expand the retail space of the L.D. Jackson Square along the York Boulevard frontage on a parcel of land, currently vacant, lying immediately to the west of the Central Library, the expansion contemplating the creation of restaurant space at grade level containing 6,418 square feet and a Health Club use in the basement level containing 13,902 square feet, subject to Second Phase:
- (i) complying with the requirements of the Ground Lease including additional ground lease payment, if any,
 - (ii) complying with all Federal, Provincial, Regional and Municipal laws, by-law, requirements and regulations,
 - (iii) providing the detailed plans and drawings for approval in accordance with the Ground Lease,
 - (iv) executing any amendments to the Ground Lease, if formal amendments prove necessary.
- (b) That the Lessee, Second Phase Civic Square Limited, be informed that this approval is preliminary only and is subject to the required plans, drawings and other documentation required by the Ground Lease and Development Agreement being received and approved by Council or the Co-ordinator of the L.D.Jackson Square as the Review Authority as the case may be, prior to final approval being given and prior to the commencement of any physical alteration to the leased premises and that the Lessee should act accordingly.
- (c) That the City agree to reducing the publicly usable open space by the area of the proposed restaurant and health club expansion.


D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

Second Phase Civic Square Limited has approached our department seeking approval to expand the retail space of the L.D.Jackson Square along the York Boulevard frontage between the west wall of the Central Library and the exit route of the Truck Tunnel beneath Copps Coliseum. The area is currently unused green space.

The proposed expansion contemplates the erection of a one storey building with full basement. The grade level space consisting of 6,418 square feet (plus or minus) is proposed for restaurant purposes. The basement level space to be constructed, together with existing unused basement level space, will house a Health Club containing an area of 13,902 square feet. The exterior of the addition will complement the surrounding structures and its elevation will not extend beyond the height of the plaza level of the Square.

I am advised that a Health Club tenant has been secured and the developer is in the process of finalizing an agreement with a restaurateur, all subject of course to the City granting approval of the expansion plans.

In order for Second Phase to continue its efforts towards finalizing negotiations with tenants, it is seeking approval in principle from the City that the proposal is acceptable.

The Development Agreement and Ground Lease between the City and the developer contemplates changes and additions from time to time, subject to the approval of The Corporation of the City of Hamilton, acting reasonably.

From our review of the preliminary plans available to us, the expansion proposed is acceptable and is in fact, a welcome addition to the area.

If the approval as aforesaid is given, then Second Phase Civic Square Limited will proceed to submit detailed plans and specifications and time schedules which will comply with the normal requirements for construction in the L.D. Jackson Square.

Any approval in principle at this time will of course be subject to the conditions recited in the recommendation portion of this report including a full review by Council of the detailed plans and drawings of the proposed structure.

- c.c. - Mr. K.A. Rouff, City Solicitor
Attention: Mr. D. Powers
- Mr. V.J. Abraham, Director of Local Planning
Attention: Mr. J. Sakala
Attention: Mr. V. Mateus
- Hamilton Entertainment and Convention Facilities Inc.
Attention: Mr. B. Calder
Manager of Plant & Building Operations
- Mrs. J. McAnanama, Chief Executive Officer
Hamilton Public Library
Attention: Mr. W. Guise
- Mr. M. Main, Director of Traffic Services

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 May 10
COMM FILE:
DEPT FILE: 100.11.96
(4505)

MAY 12 1989

SUBJECT: 386 Birch Avenue - Alpha Enclave (Plan 4)

RECOMMENDATION:

- (a) That The Corporation of the City of Hamilton as expropriating authority, apply to the Council of The Corporation of the City of Hamilton as approving authority for approval to expropriate the following land in order to complete the assembly of the adjoining properties required in conjunction with the clearance of residential enclaves.

Part of Lots 11 and 12, Registered Plan 547, designated as Part 5; part of Lot 12, Registered Plan 547 designated as Part 2; and part of Reserve Registered Plan 547 designated as Part 4 all on Plan 62R-10273 City of Hamilton, Regional Municipality of Hamilton-Wentworth.

- (b) That the City Clerk be authorized and directed, pursuant to The Expropriations Act, to;
- (i) Give Notice of The City's application to all owners, registered owners and tenants (as defined in The Expropriations Act) of the said land;
 - (ii) advertise Notice of the City's application in a newspaper as required by The Expropriations Act;
 - (iii) sign and receive the said application for approval to expropriate.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND:

City Council on February 26, 1985 authorized the Real Estate Department to acquire 386 Birch Avenue as part of the Alpha Enclave (Plan 4) project.

On November 11, 1986, by adopting Item 18 of the 24th Report of the Planning and Development Committee, City Council approved an Option to Purchase agreement with the owner, F. Pilgrim Company Limited for 386 Birch Avenue. The Vendor's solicitor was unable to complete the transaction as his client, who was having financial difficulties, had disappeared.

The Option to Purchase executed by F. Pilgrim and Company Limited was rescinded and an agreement with Carrier Canada Limited, Mortgagee in Possession, was approved by City Council on October 27, 1987 by adopting Item 13 of the 20th Report of the Planning and Development Committee. Due to title problems the above transaction could not close.

As the City has the right to expropriate only residential properties in an industrial zoning, and 386 Birch Avenue was used for industrial purposes, we were unable to recommend expropriation until the Regional Municipality of Hamilton-Wentworth under Section 136(2a) of the Regional Municipality of Hamilton-Wentworth Act enacted a by-law authorizing the City of Hamilton to exercise powers under paragraph 22 of Section 208, and paragraph 50 of Section 210 of the Municipal Act, to acquire for the establishment, publicizing and sale of industrial sites for lands in "residential enclaves" located north of Barton Street.

The above by-law No. R89-050 (Bill No.1463) was approved by Regional Council on April 4, 1989.

As the property at 386 Birch Avenue is the last remaining property in Alpha Enclave (Plan 4), the entire project is hindered from a development point of view. Accordingly, cost recovery cannot be expedited in the foreseeable future if expropriation as recommended herein is not taken.

- c.c. - Alderman B. Hinkley, Ward 3
- Alderman D. Drury, Ward 3
- Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

BURLINGTON

ST. EAST

PLAN

Property to be expropriated
Alpha Enclave (Plan 4)
Alpha Enclave West

DEBONAIR TAVERN
FORMERLY SHERMAN

C 419
27

CITY WARD
CR TO BE ADJUTED

NORTH

AVENUE

SHERMAN

AVE. G
ANGELO
BODY

GERRARD ST

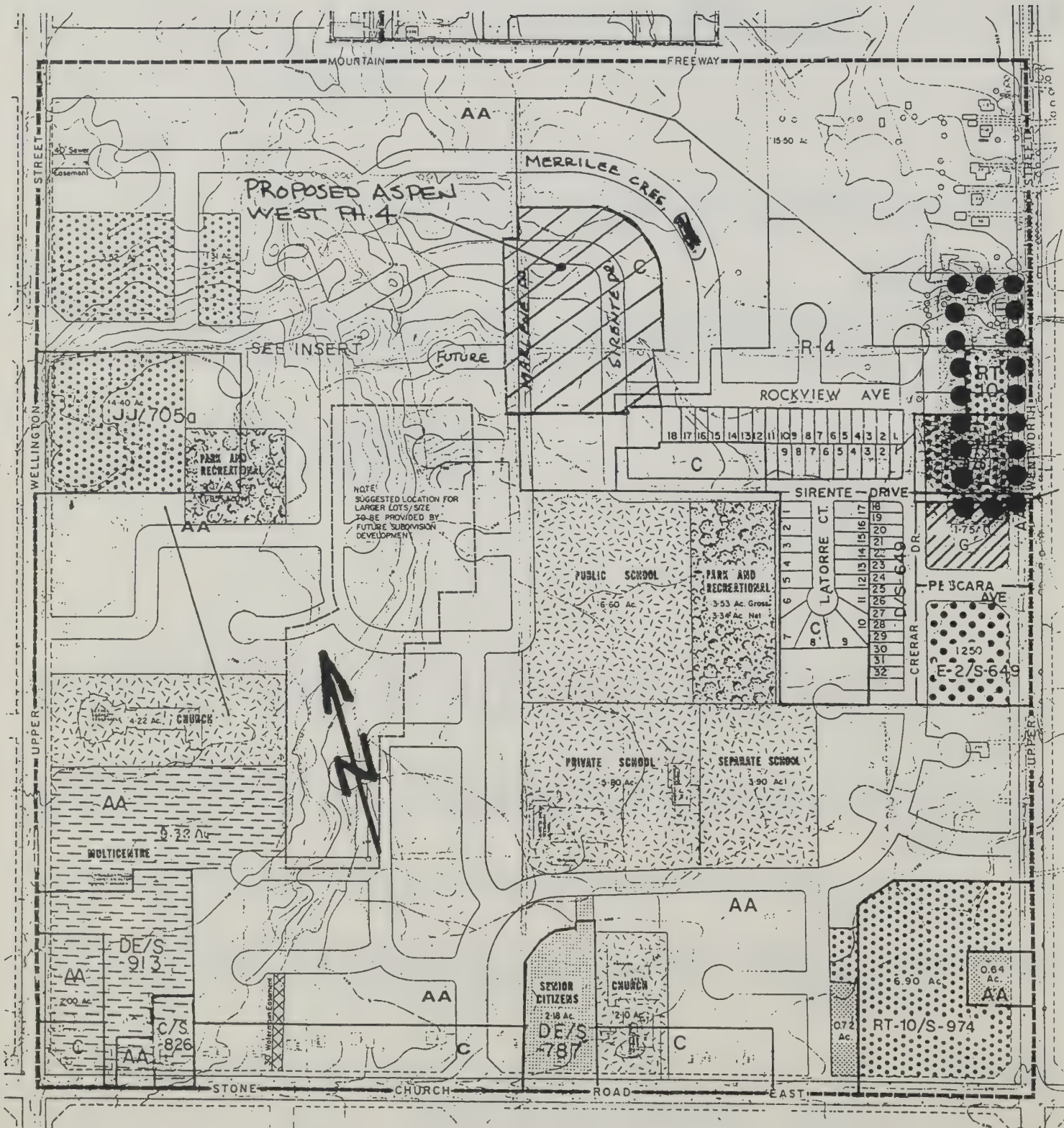
S S

PHILIP ENTERPRISE

BRANT ST.

BURLINGTON STEEL

Alpha Enclave (West)



KEY PLAN

N.T.S.

FOR ACTION

13.

REPORT TO: Chairman and Members
Planning and Development Committee
Attn: Mrs. S. K. Reeder, Secretary

FROM: K. A. Rouff
City Solicitor

DATE: 1989 May 25
COMM FILE:
DEPT FILE: 55-1/89.1

MAY 30 1989

SUBJECT: Expropriation of Residential Properties in Alpha
Enclave (West)
Property Known Municipally as:
393, 401, 403 Sherman Avenue North
9, 19, 21, 23, 27 Gerrard Street
358, 388, 402 Birch Avenue
211, 217, 219, 221 Brant Street

RECOMMENDATION:

That the City Clerk be authorized and directed to:


- (a) Give Notice of the City's application for approval to expropriate, in accordance with subsection 34(8) of the Planning Act, 1983,
- (i) a parcel of land known municipally as 393 Sherman Avenue North, measuring approximately 27.432 metres (90.000 feet) by 8.159 metres (26.768 feet), and described as Part 7 on Plan 62R-10267;
 - (ii) a parcel of land known municipally as 401 Sherman Avenue North, measuring approximately 34.730 metres (113.944 feet) by 7.702 metres (25.269 feet), and described as Parts 5 and 6 on Plan 62R-10267;
 - (iii) a parcel of land known municipally as 403 Sherman Avenue North, measuring approximately 28.466 metres (93.392 feet) by 6.131 metres (20.115 feet), and described as Parts 1, 2 and 4 on Plan 62R-10267, including the right-of-way designated as Part 3 on the same Plan;
 - (iv) a parcel of land known municipally as 9 Gerrard Street, measuring approximately 29.068 metres (95.367 feet) by 6.001 metres (19.688 feet), and described as Part 1 on Plan 62R-10265;

- (v) a parcel of land known municipally as 19 Gerrard Street, measuring approximately 30.399 metres (99.734 feet) by 6.101 metres (20.016 feet), and described as Part 11 on Plan 62R-10267;
- (vi) a parcel of land known municipally as 21 Gerrard Street, measuring approximately 30.632 metres (100.499 feet) by 5.796 metres (19.016 feet), and described as Part 10 on Plan 62R-10267;
- (vii) a parcel of land known municipally as 23 Gerrard Street, measuring approximately 30.865 metres (101.263 feet) by 5.796 metres (19.016 feet), and described as Part 9 on Plan 62R-10267;
- (viii) a parcel of land known municipally as 27 Gerrard Street, measuring approximately 31.332 metres (102.795 feet) by 5.796 metres (19.016 feet), and described as Part 8 on Plan 62R-10267;
- (ix) a parcel of land known municipally as 358 Birch Avenue, measuring approximately 22.269 metres (73.061 feet) by 11.464 metres (37.612 feet), and described as Part 1 on Plan 62R-10240;
- (x) a parcel of land known municipally as 388 Birch Avenue, measuring approximately 31.394 metres (102.999 feet) by 7.010 metres (22.999 feet), and described as Parts 1 and 3 on Plan 62R-10273;
- (xi) a parcel of land known municipally as 402 Birch Avenue, measuring approximately 28.587 metres (93.789 feet) by 7.672 metres (25.171 feet), and described as Part 10 on Plan 62R-10273;
- (xii) a parcel of land known municipally as 211 Brant Street, measuring approximately 26.590 metres (87.238 feet) by 21.505 metres (70.554 feet), and described as Part 4 on Plan 62R-10240;
- (xiii) a parcel of land known municipally as 217 Brant Street, measuring approximately 24.384 metres (80.000 feet) by 7.620 metres (25.000 feet), and described as Part 5 on Plan 62R-10240;
- (xiv) a parcel of land known municipally as 219 Brant Street, measuring approximately 24.384 metres (80.000 feet) by 9.144 metres (30.000 feet), and described as Part 6 on Plan 62R-10240; and

(xv) a parcel of land known municipally as 221 Brant Street, measuring approximately 24.384 metres (80.000 feet) by 9.144 metres (30.000 feet), and described as Part 7 on Plan 62R-10240.

This Notice shall be given to all owners, registered owners and tenants (as defined in the Expropriations Act) of these lands.

- (b) Advertise Notice of the City's Application in the newspaper as required by the Expropriations Act; and
- (c) Sign and receive the Application for Approval of these Expropriations.



K. A. Rouff
City Solicitor

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

On November 8th, 1988, City Council, by approving Section 4 of the 26th Report for 1988 of the Planning and Development Committee, authorized that steps be commenced to expropriate the following residential properties in the industrial zone known as Alpha Enclave (West):

377 Sherman Avenue North
379 Sherman Avenue North
401 Sherman Avenue North
403 Sherman Avenue North
9 Gerrard Street
19 Gerrard Street
21 Gerrard Street
23 Gerrard Street
27 Gerrard Street
354 Birch Avenue
358 Birch Avenue
388 Birch Avenue
402 Birch Avenue
211 Brant Street
217 Brant Street
219 Brant Street
221 Brant Street
247 Brant Street

These expropriations were authorized in accordance with subsection 34(8) of the Planning Act, 1983. Subsequently, on April 14th, 1989, Mr. M. C. J. Watson, Manager, Real Estate Division, advised us that it will not be necessary to continue expropriation proceedings for 377 and 379 Sherman Avenue North and 247 Brant Street because these properties were being purchased by a private concern for industrial use. On May 2nd, 1989, Mr. Watson further advised us that it would not be necessary to continue expropriation proceedings for 354 Birch Avenue because an agreement had been reached for the purchase of this property by a private concern.

On March 28th, 1989, City Council, by approving Section 4 of the 8th Report for 1989 of the Planning and Development Committee, authorized that steps be commenced to expropriate 393 Sherman Avenue North, in accordance with subsection 34(8) of the Planning Act, 1983, in connection with the clearance of residential properties in an industrial zone known as Alpha Enclave (West).

As the required lands have been surveyed and searched, the next step under the Expropriations Act is to apply for approval of these Expropriation and to give Notice of the City's intention to the owners as authorized by the above recommendation.

Each Notice shall indicate that an inquiry may be requested to report to Council as to whether or not the proposed Expropriations are fair, sound and reasonably necessary to achieve the Expropriations' objective. Subsequently, if no inquiry is requested or after an inquiry is held, Council may then consider enacting an Expropriation By-law.

c.c. Mr. D. W. Vyce, Director of Property
c.c. Mr. G. S. Spencer, Commissioner of Engineering
 Attention: Mr. M.A. Chidley, Regional Surveyor
c.c. Mr. E. C. Matthews, Treasurer
 Attention: Mr. M.D. Chandrashekar, Supervisor, Accounting

FOR ACTION

14.

REPORT TO: Chairman and Members
Planning and Development Committee
Attention: Mrs. S. K. Reeder
Secretary

MAY 9 1989

FROM: Mr. K. A. Rouff
City Solicitor

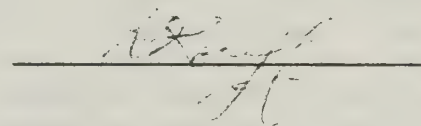
DATE: 1989 May 4
COMM FILE:
DEPT FILE: 1-45/89.1

SUBJECT: - Sheraton Hamilton Hotel
- Approval of Assignment of Ground Lease to
GGS Hotel Holdings Canada Inc.

RECOMMENDATION:

That the account of Messrs. Weir & Foulds, Barristers and Solicitors, dated April 27, 1989 in the amount of \$40,164.00, be paid and charged to Account No.CH55311 80010.

This account is for legal services to April 19, 1989 with respect to the City's approval of the Assignment of the Ground Lease of the Sheraton Hamilton Hotel by Lakeview Development Ltd. to GGS Hotel Holdings Canada Inc., the Indemnity Agreement with GGS Co. Ltd. of Japan, the Lease Amending Agreement for the \$400,000.00 payment to the City, the Assignment of the Hotel Interface Agreement, the transfer of Truck Easement, the Pedestrian Bridge Agreement and related Certificates.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

NONE

BACKGROUND:

In adopting Item 5 of the 8th Report of the Planning & Development Committee on March 28, 1989, Council authorized that Weir & Foulds be retained to provide legal services with respect to the sale of the Sheraton Hamilton Hotel.

Enclosed herewith is the account of Messrs. Weir & Foulds, Barristers and Solicitors, for their services rendered in connection with this matter. You may recall that Mr. J. S. Prypasniak worked closely with Mr. D. A. Powers and Mr. D. W. Vyce. I have reviewed this account and recommend it for payment.

It is my understanding that these services are to be paid through Account No.CH55311 80010.

encl.

c.c. Mr. E. C. Matthews
City Treasurer

WEIR & FOULDS
Barristers & Solicitors

Suite 1600, Exchange Tower
P.O. Box 480
2 First Canadian Place
Toronto, Canada M5X 1J5

The Corporation of the City
of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

File No. 21/603 (JSP)
Date April 27, 1989

Attention: Mr. K.A. Rouff, City Solicitor

Re: Jackson Square and Sale of Sheraton Hamilton Hotel

Interim Account for the Period
January 10, 1989 to April 19, 1989

FEE FOR SERVICES RENDERED in connection with this matter during this period, including: receiving your instructions regarding proposed assignment by Lakeview to GGS and considering same; attending to meet with your Mr. Powers to review draft closing documentation and considering same; numerous communications with solicitors for GGS and Lakeview regarding the draft documentation and amendments thereto; settling documentation with solicitors for GGS and Lakeview including Assignment of Ground Lease, Indemnity regarding Ground Lease, Assumption Agreements, Transfer of Truck Tunnel Easement, Pedestrian Bridge Agreement, Assignment of Interface Agreement, Certificates, Hotel Management Amending Agreement, Lease Amending Agreement, Releases and ancillary documents; attending to meet with solicitors for GGS and Lakeview regarding further amendments to closing documents; attending to retain Citipark, Consulting Division to provide opinion regarding release of the Parking Sublease with Lakeview in respect of the hotel parking garage; numerous communications with Messrs. Powers and Vyce regarding compensation for the Parking Sublease; reviewing various reports prepared in connection with release of the Parking Sublease; attending to meet with Messrs. Vyce and Powers regarding the documentation and the compensation; reviewing the requirements of Investment Canada Act in connection with the transaction; numerous communications with solicitors for GGS regarding form of opinion required for the Indemnity Agreement; numerous attendances on you and solicitors for GGS and Lakeview regarding closing and requirements in connection therewith; attending to meet with Council to review the requirements for closing; attending the Land Registry Office for closing of the transaction; and all other attendances and communications incidental to the foregoing, including reporting to you throughout;

OUR FEE:

\$36,700.00

Disbursements:

Copies	\$ 529.86
Deliveries	14.84
Telephone	229.73

Account Payable upon receipt. In accordance with Section 35 of the Solicitors Act, interest will be charged at 11.0 % per annum calculated from 30 days after delivery of this account. A receipted account will not be mailed unless requested by you.

WHEN REMITTING PLEASE ENCLOSE THE DUPLICATE COPY OF THIS ACCOUNT.

38883

In account with

WEIR & FOULDS

Barristers & Solicitors

Telecopy	416.18
Travel	230.45
Appraisal Fee	2,000.00
Luncheon Meetings	<u>43.74</u>

CURRENT UNBILLED DISBURSEMENTS:

3,464.80

TOTAL FEES AND DISBURSEMENTS:

\$40,164.80

RECEIVED
MAY 1 1999

LEGAL COUNSEL
THE CORPORATION OF
THE CITY OF HAMILTON

Account Payable upon receipt. In accordance with Section 35 of the Solicitors Act, interest will be charged at 11.0 % per annum calculated from 30 days after delivery of this account. A receipted account will not be mailed unless requested by you.

WHEN REMITTING PLEASE ENCLOSE THE DUPLICATE COPY OF THIS ACCOUNT.

38883

FOR ACTION

15.

REPORT TO: MRS. S. K. REEDER, SECRETARY
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER
PURCHASING

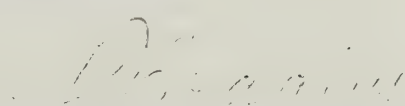
DATE: 1989 May 8
COMM FILE:
DEPT FILE: T9-2-89
MAY 9 1989

SUBJECT: SUPPLY & INSTALL PLAYSTRUCTURES, CROWN POINT WEST/STIPELEY
NEIGHBORHOOD

RECOMMENDATION

That a purchase order be issued to Belair Recreational Products Inc., Brantford, in the amount of \$10,995.00 plus applicable taxes, for the supply and installation of Playstructures in the Crown Point West/Stipeley Neighborhood, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Crown Point West/Stipeley Account #CF5698 428701203.


T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)
See above RECOMMENDATION

BACKGROUND-Tender Analysis

Belair Recreational Products, Brantford	\$10,995.00
Henderson Recreation Equipment Limited, Norwich	13,044.96
Paris Playground Equipment Inc., Paris	17,009.82
Kompan Playscapes, Guelph	21,691.80

Provincial sales tax extra at 8%

FOR ACTION

16.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Miss C. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 June 7
COMM FILE:
DEPT FILE:

SUBJECT: Heritage Permit for 112 St. Clair Avenue

RECOMMENDATION: That a Heritage Permit for the listed property
located at 112 St. Clair Avenue be approved.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 May 30 gave preliminary approval for the Heritage Permit.

The owner of the property proposes to partially enclose the back porch of his home which has been approved by the St. Clair Heritage District Advisory Committee.

Any new Construction requires a Heritage Permit to be approved by City Council for properties located within a Heritage District pursuant to the provisions of the Ontario Heritage Act 1983.

May 29, 1989

Members of the City of Hamilton
Planning and Development Committee

Re: Business Land Use Advisory Board -
Concern Regarding Rezoning Industrial Lands from
"M-12" to "M-11" to Permit Retail Commercial Uses

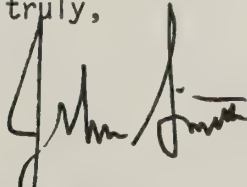
The Business Land Use Advisory Board at its meeting of May 15, 1989, were advised of a recent zoning application received requesting a rezoning from "M-12" to "M-11" on the east side of Upper Ottawa Street, south of Stone Church Road. The Board, in discussing the matter, noted that there appears to be a trend in this area of the City to rezone industrial land for retail commercial uses. The Board expressed a deep concern for the continued loss of industrial lands in this manner. Accordingly, the Board directed that a report be prepared for the consideration of the Planning and Development Committee on the following:

- the Board's sincere concern regarding the erosion of industrial land in the East Mountain Industrial District, whereby industrial land is being purchased at industrial rates and application is then made to rezone the land for retail commercial uses; and,
- the City should not sell any industrially zoned land which is being purchased on the condition it will be rezoned for retail commercial uses (strip malls).

It should be noted that the Planning and Development Committee at their February 25, 1987, meeting "received" correspondence from the Board on the same matter (see attached). The fact that this matter is still a concern of the Board's is significant.

I am bringing this matter to your attention at the request of the Business Land Use Advisory Board.

Yours truly,



Alderman John Smith
Chairman
Business Land Use Advisory Board

CF:CS
Attach.
0121P

February 23, 1987



CITY COUNCIL
HAMILTON CANADA

February 18, 1987

P5-4-3-2-2

Members of the City of Hamilton
Planning and Development Committee

Re: Business Land Use Advisory Board -
Sale of City-Owned Land Zoned "M-12"

The Business Land Use Advisory Board have expressed concern regarding the sale of City-owned lands zoned M-12 to individuals at industrial land values. Applications were then made to the City to rezone these lands for one or more commercial uses, thus increasing the value of the land.

Accordingly, representatives of the City's Real Estate Department attended a meeting of the Board to discuss this matter in more detail. It was explained that the price of the land was negotiated based on the value of the land in the interior of the Industrial Park (East Mountain) zoned to permit such uses, and those on the Rymal Road frontage zoned M-12. The price negotiated was felt to reflect a reasonable value of the land for its intended use.

The Board requested that the City Planning and Development Committee be advised of the Board's:

- interest regarding the sale of City-owned lands zoned M-12, and subsequently rezoned to permit commercial uses not permitted in that zone; and,
- request that City Planning and Development Committee to continue to ensure that the proper consideration be given to selling these lands at value which reflect the intended use.

. . . /2

Accordingly, I am bringing this matter to your attention at the request of the Business Land Use Advisory Board.

Yours truly,

Alderman J. Smith
Chairman
Business Land Use Advisory Board

CF:cs

WPDOC 0004P

c.c. - D. W. Vyce, Director,
- Real Estate Department

FOR ACTION

18.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

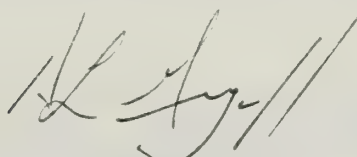
DATE: 1989 April 28
COMM FILE:
DEPT. FILE: P5-4-35

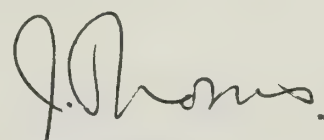
SUBJECT:

Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road) - Authorization for an Open House and Public Meeting.

RECOMMENDATION

That the Planning and Development Committee direct staff to schedule an Open House and a Public Meeting to present the findings of the Gateway East Study.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

The Gateway East Study was initiated as a result of following:

- Planning and Development Committee's request that a study "on ways and means of improving the promotion of the hospitality industry in the City of Hamilton" be undertaken. This request was made in the context of encouraging the development of hotels and motels on Highway 20 (Centennial Parkway). Staff were asked to identify what planning impediments (i.e. Official Plan and zoning) needed to be overcome to permit such development, and what type of promotion (signage, etc.) was needed to draw tourists off the Q.E.W.; and,
- the Executive Committee's request that the Planning and Development Committee undertake a review "of the present and proposed zoning and development of properties fronting on Highway No. 20 in the City's east-end, to ensure maximum benefits to the city as a growth area." This is the primary direction for the study. This request was subsequently approved by the Planning and Development Committee.

DATA COLLECTION AND ANALYSIS

Background information concerning all relevant aspects of the study area was collected, including existing land use, property ownership, existing policy instruments (Official Plan, Neighbourhood Plan and zoning), existing landscaping, etc. This information was compiled and analyzed.

The analysis examined the existing conditions, planning controls and the implications of related studies (Hamilton-Wentworth Signage Study, Confederation Park Master Plan, and Tourism Development Strategy Plan). Also, opportunities and constraints to tourism uses, including planning policies, developable parcels and possible marketing approaches were reviewed.

The "gateway" function of Centennial Parkway was identified as the major focus of this study. The interchange at the Q.E.W. offers considerable potential in attracting travellers going to or coming from Toronto, the Niagara Peninsula and the United States. On this basis, the design and ultimate appearance of Centennial Parkway was given particular attention.

The study focuses on two major areas:

- a land use concept, which identifies the proposed uses for each portion of the study area. Areas are identified for highway-commercial areas where hotels, motels and other tourism-related uses will be encouraged. In addition, areas for light industrial business park, sub-regional centre commercial and local commercial uses are also identified; and,
- a design improvement concept, which identifies the specific design features which could be incorporated into new development/redevelopment including generous landscaping, building setbacks, major landmark features, etc.

Both the land use and design concepts include a detailed implementation strategy. A draft of the study was circulated to various City and Regional Departments as well as the City of Stoney Creek, the Hamilton Region Conservation Authority and the Ministry of Transportation in March, 1989. Their comments have been incorporated into this final report.

An Executive Summary summarizing the findings and recommendations of the study is found at the beginning of the attached study report.

CONCLUSIONS

In order to receive input from the residents, property owners and business people on these proposed concepts, an open house should be held, preferably within or adjacent to the study area. Subsequently, a public meeting should be held to consider the final recommendations of this study.

CF

CF:CS

Attach.

WP 0021P



GATEWAY EAST

A study of Centennial Parkway from
Confederation Park to Queenston Road

Prepared by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth
April 1989

GATEWAY EAST STUDY

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- 1.2 Perspective
- 1.3 Confederation Park
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- 2.2 Sub Regional Centre/Commercial
- 2.3 Extended/Highway Commercial Uses
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 - 2.3.2 North of Barton St.
 - 2.3.3 South of the Q.E.W.
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- 2.7 Implementation Strategy

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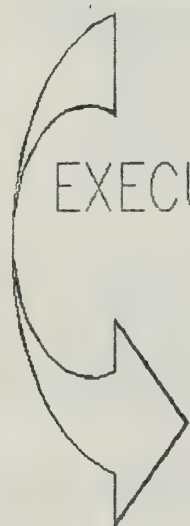
6.0 COURSE OF ACTION

MAPS

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Map 3 - Land Use Concept
Map 5 - Urban Design Concept
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Table II - Implementation Strategy - Design Improvements



EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Centennial Parkway is a major gateway into east Hamilton and Stoney Creek. It is also a growing area for tourist attractions and related facilities. This study proposes several approaches for enhancing the gateway and tourism functions of the area, including:

- identification of a preferred land use pattern and opportunities for development/redevelopment;
- amendments to Official Plan, zoning by-law and Neighbourhood Plans;
- design improvements, including landscaping opportunities; and,
- marketing and promotion of the area for tourism and tourism-related uses.

Perspective

The study area extends along Centennial Parkway, from Lake Ontario to Queenston Road. The gateway and tourism potential of this area is a key element given:

- the strategic nature of Centennial Parkway, a high volume arterial road providing a link between the Queen Elizabeth Way (Q.E.W.) and local destinations, including Confederation Park, Eastgate Square Mall, adjacent industrial areas, routes to the Central Areas of Hamilton and Stoney Creek, and areas beyond the Region;
- the existing tourist attraction (Confederation Park), and tourism-related uses (hotels, motels); and,
- several large parcels of either vacant land or land with potential for redevelopment.

The existing land use along Centennial Parkway includes:

- Confederation Park, featuring a wave-action pool, children's water play area, campground and boating facilities, amongst others. Additional attractions are planned, including a warships museum, hotel and tourist information centre;
- several existing hotels and motels;
- numerous highway-commercial uses, including automobile service stations, fast food restaurants, strip malls and car dealerships;
- Eastgate Square Mall, serving the eastern portion of Hamilton and Stoney Creek.

A. PROPOSED LAND USE CONCEPT

The existing City of Hamilton Official Plan designates lands in the area for "Open Space", "Commercial", "Industrial" and Sub-Regional Centre", etc. These designations largely reflect existing uses. Amendments to the Official Plan will be required to encourage appropriate types of tourism-related uses and recognize existing commercial uses.

A proposed land use concept has been prepared to define the future land use pattern (as shown on Map 3) and consists of the following elements:

- Business Park/Commercial for lands on the east side of Centennial Parkway, from the Q.E.W. to south of the railway tracks. Tourist attractions and/or tourist related uses will be encouraged in the development or redevelopment of these lands. Prestige industrial and business uses will be considered as an alternate (will necessitate an Official Plan amendment);
- Extended Highway Commercial for lands on the west side, north and south of the Q.E.W. to recognize the existing hotel, motel, retail uses and proposed hotel; west side from Arrowsmith Road to north of Delawana Drive, for the most part to recognize existing uses; and east side from north of Barton St. to north of Delawana Drive (excluding the Shopping Centre, Local Commercial and existing residential uses) to recognize existing and proposed uses (will necessitate an Official Plan Amendment for area on the east side north of Barton Street only);
- Light Industrial for lands on the west side, between the railway tracks and Arrowsmith Road to recognize existing uses and to the rear of the vacant lands opposite on the east side;
- Sub-Regional Centre - Commercial for lands north of Queenston Road, to recognize existing major commercial centre at Eastgate Square and church to the north, and to encourage additional retail, service and related uses;
- Shopping Centre for lands at the south-east corner at Barton Street, to recognize the existing large plaza as a shopping center serving the weekly needs of community residents; and,
- Local Commercial for lands at the intersections of several local streets, south of Barton Street, to encourage the retention and development of small plazas with lower-order goods and services to meet the daily needs of local residents.

To implement this proposed land use concept, a number of amendments will be required to the Official Plan, as noted above.

The existing zoning may also require modification to encourage the development of further tourism-related uses. In particular, most of the lands north of Barton Street are presently zoned for light or heavy industrial uses.

Possible approaches to rezoning include city or private initiatives to rezone in accordance with the Official Plan designations. The exact approach will be determined following discussions with property owners and input from the public meeting.

Neighbourhood Plan designations will also be revised to recognize and implement the land use concept, such as the designation of Local or Neighbourhood Commercial areas.

B. DESIGN CONCEPTS

The appearance of the Centennial Parkway area can be improved by various means to create an attractive gateway and tourist service area. The many important functions of this area merit special attention to appearance and design. The following improvements to existing features are proposed (as indicated on Map 5):

- Railway bridge north of Barton Street to be cleaned, painted and have graphics added in order to provide a visual "gateway";
- Landscaping on road allowances adjacent to the railway bridge on both north and south sides to be introduced to complement bridge;
- Upgraded landscaping to be provided adjacent to Centennial Parkway on public and private lands throughout study area, especially those close to signalized intersections. Shrubs and plantings will be used extensively to extend the parkland/open space nature of Confederation Park further to the south;
- Sidewalks to be provided along length of study area, on one side or preferably both, to serve local residents, commercial customers and pedestrian users of Confederation Park; and,
- Unique design features to be provided in long term at intersections of Barton Street and Queenston Road with Centennial Parkway. These key decision points may be identified by means of stylized signs, sculptural treatments, etc.

The design of new developments throughout the area will be regulated by means of site specific amendments to the zoning by-law and site plan control. A set of design guidelines will be prepared to give direction to the site plan approval process for this area. The guidelines will define the recommended design criteria such as:

- a front landscaping strip of at least 10 feet in width adjacent to the road allowance to consist primarily of shrubs and lawn;
- appropriate building setbacks which will be compatible with adjacent uses, and will be determined for each portion of the study area; and,
- standards for the size, location and types of business signs to be permitted, to discourage mobile signs as they now occur in the road allowance.

C. PROMOTION OF AREA FOR TOURISM

The Centennial Parkway area presently contains a number of tourism attractions, including the various pools, campground, etc. at Confederation Park. There are also several facilities to serve tourists, including the existing hotels/motels, numerous restaurants, a variety of stores in plazas and Eastgate Square. These uses form the nucleus of an area which serves the needs of visitors as well as local residents. There are several approaches recommended to increase the tourism potential of this area, including:

- improvement and expansion of existing tourist attractions and the development of new attractions. Further improvements may be made to the Confederation Park's Wild Water Works pool, campground, etc. in accordance with the Confederation Park Master Plan. New attractions may include the proposed Hamilton and Scourge Warships Museum, an indoor/outdoor theatre, a museum on Hamilton history, an ethnic museum, an arts and crafts park, etc., as outlined in the Confederation Park Master Plan and the Regional Economic Strategy;
- provision of additional tourist facilities, such as a hotel proposed for municipally-owned lands north of the Q.E.W., west of Confederation Park; the adjacent tourist information centre; as well as other hotels, motels, convention facilities or other facilities on lands further south. All new tourist attractions and related facilities should be built to high standards of design, due to the importance of this area and its accessibility for visitors;
- establishment of a business association or lobby group similar to a B.I.A. (Business Improvement Area) to help co-ordinate marketing, landscaping improvements and future plans for the area on an ongoing basis;
- improvement of roadway signs to this area, by means of signing Centennial Parkway from the Q.E.W. as an access to Hamilton and a secondary route to downtown Hamilton; and by providing standard directional signs for specific tourist attractions such as Confederation Park and smaller nearby attractions outside the study area (e.g. Stoney Creek, Battlefield monument, etc.), in accordance with the recommendations of the draft Regional Signage Study; and,
- marketing and promotion of the area by means of brochures, etc.

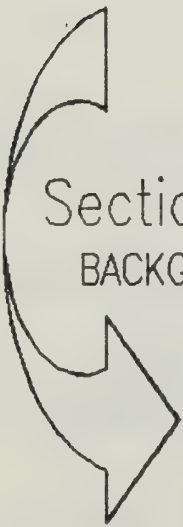
D. IMPLEMENTATION

To enhance the gateway and tourism functions of the Centennial Parkway area, actions will be required by various municipal departments, such as:

- the monitoring of proposals for vacant and developable sites, including discussions with property owners to encourage uses in keeping with the proposed Land Use Concept (Planning Department);
- amendments to Official Plan designations and policies to guide future land use (Planning Dept.);

- zoning by-law amendments (Planning Dept.) initiated after consultation with the property owners, by City or by the property owners, to help ensure appropriate land use and details of site design;
- amendments to Neighbourhood Plan designations (Planning Dept.);
- allocation of funding for improvements to railway bridge and landscaping on municipally-owned road allowance (Regional Engineering Department as well as special project funds);
- approaches to property owners to encourage improvements to landscaping and fencing on property fronts (Planning Department and Community Development Department to assist possible business association);
- construction of sidewalks, possibly funded through Local Improvements jointly by municipality and owners (Regional Engineering Department);
- adoption of design criteria for new development in the area to guide zoning by-law and site plan approval (Planning Department);
- improvement/expansion of existing tourist attractions and facilities and encouragement of additional tourism uses, through marketing and promotion of this area (Planning and Economic Development Departments); and,
- improvement of roadway signs to increase visibility of area and attractions (Regional Engineering Department and the Ontario Ministry of Transportation).

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Section 1.0
BACKGROUND

GATEWAY EAST

(A Study of Centennial Parkway from
Confederation Park to Queenston Road)

1.0 BACKGROUND

1.1 Introduction

The dictionary defines the word "gateway" in very simple terms: "a means of entrance or access". It does, however, conjure up certain other images such as:

- sense of arrival;
- welcome;
- new frontiers to explore; and
- expectations of different experiences.

The Q.E.W. interchange at Centennial Parkway provides the potential for this area to become not only an exciting gateway into Hamilton and Stoney Creek, but also a major focal point of activities. Accordingly, this study will:

- identify development opportunities for tourism-related uses;
- identify the planning initiatives (i.e., Official Plan designation and zoning) necessary to developing this area for tourism related uses; and,
- identify the promotional opportunities to attract tourists to the City's east end.

Further, this study looks at what actions can be undertaken to enhance the image of this area as befitting its "gateway" role.

1.2 Perspective

The Study Area extends along Centennial Parkway, from Lake Ontario (to the north) to Queenston Road (to the south) (see Map 1). The Queen Elizabeth Way (Q.E.W.) interchange at Centennial Parkway provides access to and from the east and westbound lanes of this major Provincial Highway. Midway between the Q.E.W. and Barton Street, the CN mainline crosses Centennial Parkway. This railway facility services the Bayfront industry in Hamilton as well as major industrial areas between the Q.E.W. and Barton Street in Hamilton and Stoney Creek. South of King Street, Centennial Parkway becomes Highway 20, connecting Hamilton and Stoney Creek with Niagara Falls.

Map 1
STUDY AREA



SOURCE : HAMILTON - WENTWORTH PLANNING DEPARTMENT , 1989

Centennial Parkway also serves as a major access to:

- Confederation Park (north of the Q.E.W.);
- Eastgate Square (at Queenston Road);
- Stoney Creek Central Area (King Street East of Centennial Parkway - Highway 20);
- Hamilton downtown via Queenston Road/King Street; and,
- major industrial concentrations in east Hamilton and Stoney Creek (between the Q.E.W. and Barton Street).

Given:

- Centennial Parkway's strategic locational and access qualities;
- the presence of Confederation Park and tourism-related uses (e.g. hotels/motels) within and adjacent to the Study Area; and,
- the presence of several large vacant or potentially redevelopable lands adjacent to the Q.E.W./Centennial Parkway interchange;

there is merit in considering the tourism potential and opportunities of this area.

1.3 Confederation Park

On the shores of Lake Ontario, where the explorer LaSalle landed in 1669 and where, in the 1790's, Governor Simcoe built the "Kings Head Inn" (which "served as an effective eye for the proposed defenses on the other side of the Bay"), lies Confederation Park. In the 1950's, this area had a more carnival atmosphere with a host of amusements, fast food stands and souvenir shops serving the crowds attracted to the Lake and Beach in the hot summer months. A 1947 land use plan for the City envisaged a major park and recreation facility at Van Wagner's Beach. Subsequently the City, with the assistance of a Federal Urban Renewal Grant, developed the 205 acre Confederation Park. The park is now owned by the Regional Municipality of Hamilton-Wentworth and operated by the Hamilton Region Conservation Authority.

Today, Confederation Park boasts many attractions along its two-mile long lakefront, including:

- Canada's first outdoor wave-action pool;
- a campground with over 150 sites, with almost half of these being serviced;

- two giant waterslides;
- a children's waterplay area; and,
- many other activities including the beach, windsurfing, lakefront walk/bikeway, etc., to complement its location on Lake Ontario.

The "Confederation Park Master Plan - 1985" envisioned additional attractions such as:

- Confederation Place - a tourist/commercial and community centre;
- upgrading and expansion of the wave action pool and waterslide (Wild Water Works); and,
- upgrading and expansion of the existing campground facilities.

The most ambitious attraction envisaged, however, is the plan to relocate intact two War of 1812 schooners (the Hamilton and the Scourge), now at the bottom of Lake Ontario, in a permanent museum within the Park. Should this be realized, the museum will be a unique, world-class attraction.

The Master Plan suggested locating a tourist information centre on 8.6 acres of municipally-owned land on the south side of Confederation Park Drive, east of the park entrance. A hotel was also suggested for this site. In response, a special study was commissioned by the Region to ascertain the feasibility of developing a hotel on these lands. This study concluded that a hotel in Confederation Park was feasible. In addition, the Region has already allocated funds for development of a tourist information centre on the balance of the property. Both the Region and the City have initiated amendments to their Official Plans to permit a hotel and tourist information centre in this location. These proposals, plus the recent completion of the 140-room Signature Inn at the southwest corner of the Q.E.W. and Centennial Parkway, clearly indicate that the seeds of a major tourist focal point have been sown.

The importance of the study area, not only as a gateway, but also as an area where tourism-related uses should be encouraged, is highlighted in other studies, including:

- Building on Strength - Realizing Opportunity - An Economic Strategy for Hamilton-Wentworth (June, 1986);
- Tourism in Hamilton-Wentworth - A Program for Economic Growth (May, 1986); and,
- The Hamilton-Wentworth Signage Study Draft Report (January, 1988).

All these studies reinforce the need for a suitable entrance to the City at Centennial Parkway and a need to reflect the City's pride in itself. In particular, the 1986 tourism study stressed the need to:

- create a visual "anchor" at this gateway;
- improve aesthetics along Centennial Parkway and to promote cleanliness; and,
- develop land use and development policies to provide guidelines and locations for tourism initiatives.

To foster the growth and enhancement of this area as a tourist destination and City gateway, a comprehensive study was undertaken from a land use planning and area improvement perspective. Accordingly, the following portions of this report will focus on the study findings with respect to:

- existing land use and planning controls;
- opportunities and constraints to development;
- proposed land use concept;
- proposed area improvement concept;
- proposed approach to tourism; and,
- implementation strategy.

1.4 The Study Area Today

Confederation Park, located at the north end of Centennial Parkway, is the most important feature in the study area. Its potential ability to attract people to the area is pivotal to the success of this area for tourism-related uses and reinforcement of the "gateway" theme.

Centennial Parkway, south of Confederation Park and the Q.E.W. interchange, is one of the City's busiest streets. Not only does it provide access to a provincial highway, it also intersects with Barton Street and Queenston Road, connecting to Hamilton's industrial core and central area to the west and the City of Stoney Creek to the east. It is not surprising that the land uses along Centennial Parkway reflect its importance as a major road in the City. (See Map 2.)

Uses such as car dealerships, automotive repair and service shops, service stations, and fast food restaurants are a frequent occurrence. In addition, several strip commercial plazas with front yard parking also cater to the travelling public.

CENTENNIAL PARKWAY AREA STUDY

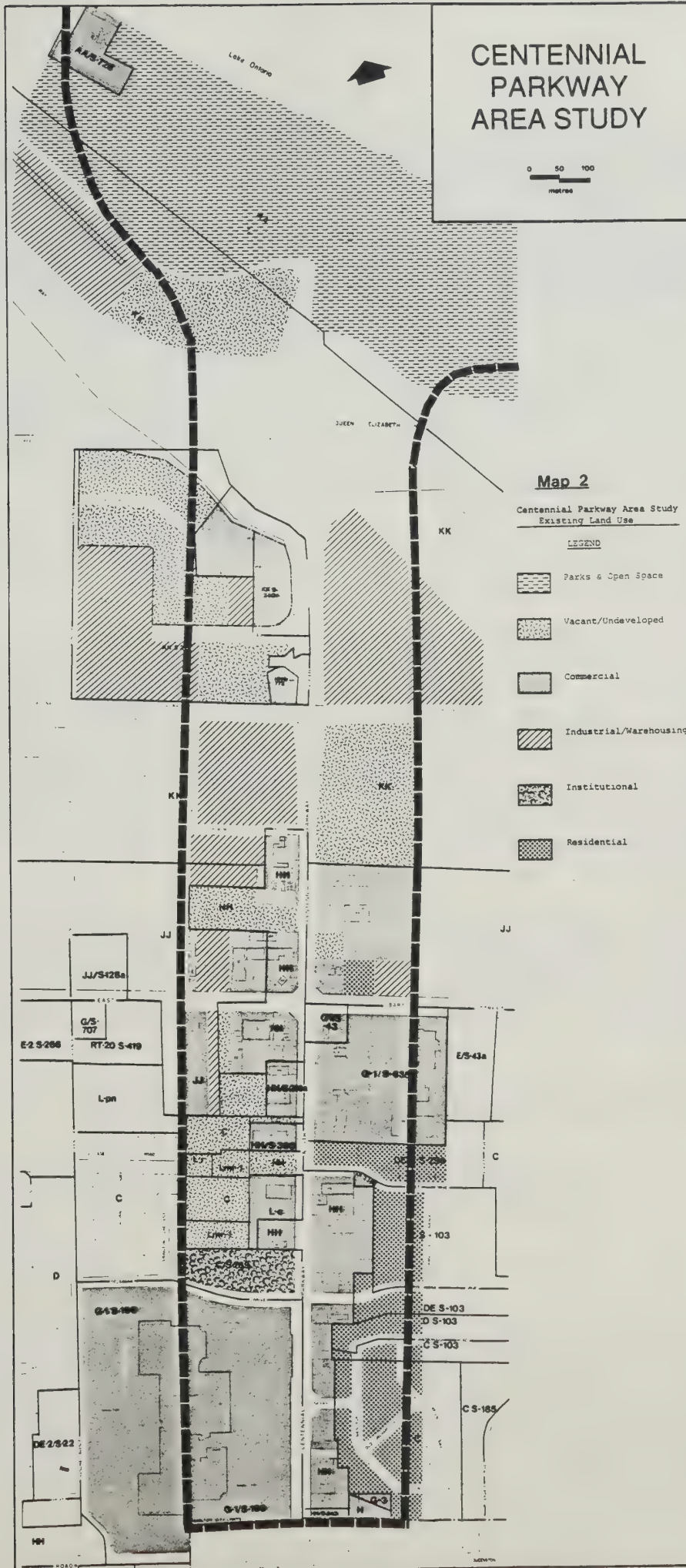
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metres

Map 2

Centennial Parkway Area Study
Existing Land Use

LEGEND

-  Parks & Open Space
-  Vacant/Undeveloped
-  Commercial
-  Industrial/Warehousing
-  Institutional
-  Residential



More recently, the Journey's End Motel (south of Barton Street) and the Signature Inn (southwest corner of the Q.E.W.) have been developed within the study area.

Centennial Parkway also serves as a major shopping node for the residents of east Hamilton and Stoney Creek. Eastgate Square at the intersection of Queenston Road serves as a major focal point in the area. It boasts an Eaton's, Robinsons and Woolco with a host of other retail shops and services in an enclosed mall. This mall, together with lands adjacent with the Queenston Road intersection, are designated in the City and Regional Official Plan as a "Sub-Regional Centre". In this context, both Eastgate Square and Limeridge Mall (the other Sub-Regional Centre) and their immediate surroundings are secondary only to the City's central area in the provision of retail, office, residential, social, community and health services.

Parkway Plaza at Barton Street is a smaller strip shopping centre with a major grocery store and other retail and service uses usually associated with weekly shopping needs.

Sharply contrasting with Confederation Park on the north side of the Q.E.W. is an 8.3 ha (20.5 acres) heavy industrial scrapyards operation (Waxman's) on the southeast side between the Q.E.W. and the railway tracks. Opposite, behind the Pines Motel, is SWARU (the Region's Solid Waste Reduction Unit). The presence of these uses highlight the intense industrial activity that extends west to the City's Bayfront industrial belt and east through Stoney Creek almost to Winona Road. Many industries and businesses rely on easy access to and visibility from a major highway, making their location adjacent to Centennial Parkway attractive.

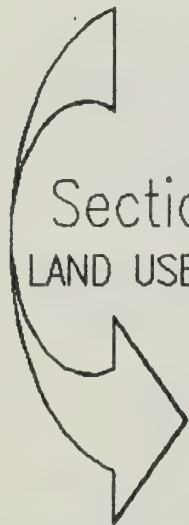
South of the tracks on the east side is a vacant 3.64 ha (10-acre) parcel. While it has been designated for industrial uses in the City's planning instruments for some time, no development has occurred. Opposite, on the west side of Centennial Parkway at Arrowsmith Road, are two industrial operations with some outside storage visible from the street.

In addition to the 3.64 ha (10-acre) vacant parcel of land noted above, there are other smaller vacant lands, including:

- 0.49 ha (1.2 acres) on the west side, north of Barton Street, which has recently received site plan approval for an automotive service centre; and,
- 0.36 ha (0.9 acre) on the east side, north of Barton Street.

In reviewing the study area today, it appears that there may be merit in undertaking a similar study for that portion of Centennial Parkway between Queenston Road and the Escarpment. This area's relationship with the Escarpment and its adjacent open space is similar to Confederation Park for the area north of Queenston Road. Since this area is in Stoney Creek, that City should be encouraged to consider such an undertaking.

In summary, the land uses along Centennial Parkway are largely reflective of its access to a major provincial highway. Only recently has there been interest in developing the tourist potential of the area with the Region's tourist information centre and adjacent hotel, expanded facilities at Confederation Park and the Signature Inn.



Section 2.0

LAND USE CONCEPT

2.0 LAND USE CONCEPT

In developing a detailed land use concept for the study area, an in-depth analysis was undertaken of:

- existing conditions;
- planning conditions (Official Plan policies, zoning, site plan control and Neighbourhood Plans); and,
- development/redevelopment potential.

These were reviewed and evaluated in terms of identifying means to enhance the area's function as a gateway, and identifying opportunities to develop tourism-related uses. The purpose of this section is to provide a detailed land use concept (see Map 3) and identify the means to implement this concept. (See Table I.)

The following provides a breakdown in uses to be encouraged along Centennial Parkway, their location, implementation, and other considerations which should be addressed.

2.1 Local Commercial Uses

Local commercial uses, as defined in the Official Plan, are intended to serve "the daily retail needs of surrounding residents, and primarily dependent on pedestrian access on sites of less than 0.4 ha". Local business and professional offices are also encouraged. Given their nature, local commercial uses should be located south of Barton Street. Four areas have been identified where such uses should be encouraged, including:

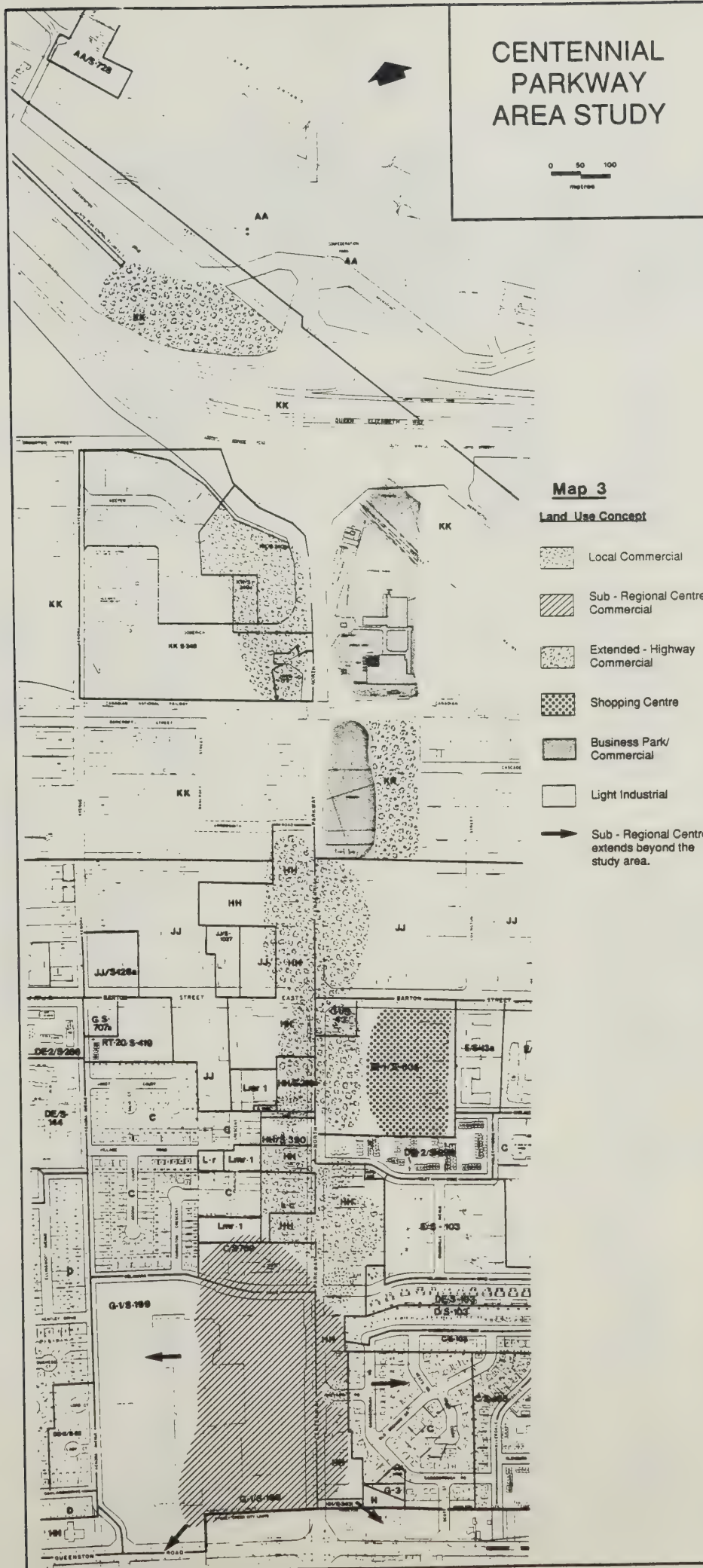
- southeast corner at Violet Drive;
- northeast or southeast corner at Delawana Drive;
- northeast or southeast corner at Vineyard Road; and,
- west side north of the Journey's End Motel.

The first three locations are currently developed with a variety of commercial uses, the fourth site is vacant. A local road is proposed in the vicinity to provide access to the neighbourhood west of Centennial Parkway.

All these sites are designated "Commercial" in the Official Plan, therefore no Plan amendment is required. Further, all these locations are within the "HH" (Restricted Community Shopping and Commercial) District, which permits Local Commercial Uses, in addition to a wide variety of other retail and service uses. Since the "HH" District is under Site Plan Control, any development/redevelopment in these areas will be subject to that process.

CENTENNIAL PARKWAY AREA STUDY

0 50 100
metres



Map 3

Land Use Concept

-  Local Commercial
-  Sub - Regional Centre/
Commercial
-  Extended - Highway
Commercial
-  Shopping Centre
-  Business Park/
Commercial
-  Light Industrial
-  Sub - Regional Centre
extends beyond the
study area.

TABLE 1(1)

IMPLEMENTATION STRATEGY - LAND USE CONCEPT

Official Plan					Neighbourhood Plan	Comments
Location	Schedule "A"	Schedule "B"	Rezoning	Site Plan Control		
Northwest corner Q.E.W. and Centennial Parkway.	Redesignate from "Open Space" to "Commercial".	Remove from S.P.A. #10.	From "KK" and "AA" to "F" modified.	Placed under Site Plan Control when OPA and zoning endorsed by City.	Preparation of a Neighbourhood Plan for Confederation Park "A".	Hamilton-Wentworth Region requested the City to initiate appropriate O.P.A. and zoning amendment for a hotel and tourist information centre on these municipally-owned lands. Accordingly, the City and Region have initiated amendments to provide for these uses. In addition, the rezoning is being undertaken.
West side between Q.E.W. and railway tracks.	Redesignate from "Industrial" to "Commercial".	Remove from S.P.A. #11.	No change.	Currently under Site Plan Control.	Preparation of Neighbourhood Plan for Nashdale.	Existing hotel, retail plaza, motel, and restaurant should be recognized accordingly.
East side from Q.E.W. to south of the railway tracks.	Redesignate from "Industrial" to "Commercial".	Remove from S.P.A. #11. Put in new S.P.A. for Commercial - Business Park to encourage uses related to the hospitality trade, recreation and entertainment uses provide option for development for business park uses.	From "KK" to appropriate zoning consistent to O.P. policy for S.P.A. - subject to discussion with owners.	Should be placed under Site Plan Control immediately.	Preparation of Neighbourhood Plan for Lakely.	Strategic location: highly visible from interchange and Q.E.W.; close proximity to Confederation Park, proposed hotel and tourist information centre and existing hotel. Opportunity to create positive image.

IMPLEMENTATION STRATEGY - LAND USE CONCEPT

<u>Location</u>	<u>Schedule "A"</u>	<u>Schedule "B"</u>	<u>Rezoning</u>	<u>Site Plan Control</u>	<u>Neighbourhood Plan</u>	<u>Comments</u>
West side between tracks and Arrowsmith Road and rear of 10 acre parcel opposite.	No change.	No change.	No change.	Should be placed under Site Plan Control immediately.	Preparation of Neighbourhood Plans for Lakely and Nashdale.	Existing industrial development on the west side and vacant on east side.
East side north of Barton Street, to railway tracks.	Redesignate from "Industrial" to "Commercial".	Remove from S.P.A. #11 and put in new S.P.A. to encourage tourism-related uses.	From "JJ" and "KK" to appropriate zoning consistent to O.P. policy - subject to discussion with owners.*	Should be placed under Site Plan Control immediately.	Preparation of Neighbourhood Plan for Lakely.	Existing car dealerships and service station to be recognized accordingly.
West side north of Barton Street.	No change.	Remove from S.P.A. #11.	No change.	Currently under Site Plan Control.	Preparation of Neighbourhood Plan for Nashdale.	Existing viable commercial area recognized in the Official Plan and zoning by-law.

*10 acre vacant parcel subject to rezoning application (ZA-89-38)

(1) Note: This table only includes the area north of Barton Street. The only changes proposed for the area south of Barton Street are Neighbourhood Plan amendments.

APRIL 1989

The streetscape effect will only be seen in perspective. Efforts will be made to discourage the parking of automobiles close to or directly upon the road allowance through by-law enforcement.

- The intersections of Collector roads proposed for "Local Commercial" nodes in the Land Use concept will be designed in a manner slightly different from the Extended Highway commercial areas, in order to provide a design which is more oriented toward local pedestrian traffic as shown in the sketch below. Streetscapes setbacks and improvements will be considered for short distances along the collector streets.
- A "gate" treatment of the CN railway bridge across Centennial Parkway south of the Q.E.W. is to be implemented using paint and possibly appropriate graphics as suggested in the urban design concept. This improvement will be highly visible to all roadway users, with a minimum of cost or change to traffic flow patterns.

It is also recommended that the bridge improvements be complemented by major landscaping improvements on the adjacent side slopes which are within the City-owned road allowance. This would be in the form of a year-round display of shrubs and small trees, replacing the existing weeds and dirt. The approval of CN Rail would be required for any proposal concerning the CN Rail subway. New sidewalks are also proposed to be included to help pedestrians negotiate this section of the street. The potential for such sidewalks would have to be reviewed further to ensure that there are no impacts on the roadway in this vicinity.

- Redesign of the intersections of Barton Street at Centennial and Queenston Road at Centennial is recommended using one or more of the several options described in Section 3.2. These options will be reviewed to determine the most appropriate approach or combination of approaches.
- Sidewalks are proposed for all portions of the study area. These would improve the local aesthetics by replacing the existing dirt pathways. Pedestrian volumes associated with some of the area's tourism attractions, such as Confederation Park, have been noted as being significant, so that safety and convenience would also be served by the provision of sidewalks.

The following list provides a summary of the location and types of improvements proposed, the associated priority, time frame and manner of implementation:

- Landscaping, including more trees, shrubs and grass is proposed for the section of the study area north of Arrowsmith Road. This will serve to extend the green parkland character of Confederation Park further to the south. This may include:
 - "natural" appearance plantings of additional trees and other vegetation adjacent to the QEW;
 - shrub plantings to accentuate existing and future commercial or industrial uses; and
 - attractive closed visual barriers, such as fences for existing and future industrial uses in this vicinity.

This landscaping is to be defined for individual areas and required for redevelopment by means of amendment to the zoning by-law.

- "Welcome to Hamilton" signs, flags, plantings, and related treatments might also be considered for this northern section of the study area to welcome tourists and other visitors. Such treatments should be located close to the QEW, near the entrance to Confederation Park on the north side, and/or on the south side of the Q.E.W. They would have to be carefully designed to blend in with and the predominant design features for this area, namely the landscaping, and to match any design theme which is developed (see Section 4.3).
- "Urban Streetscape" improvements are proposed for the mainly commercial area south of Arrowsmith Road, with the exception of Eastgate Square. This area has been recognized as being primarily suburban-commercial in nature, with a wide variety of man-made features (such as business signs, hydro poles, etc.) and a minimum of greenery.

This area would benefit from some additional landscaping especially at areas noted on Map 6. In addition, the creation of a "surrogate streetscape" composed of light poles, flags, banners, street furniture such as benches, bus shelters, telephone booths, etc. and even some new building facades, all set back at equal distance from the roadway, would help create a lively urban streetscape in keeping with the commercial nature of the area. This concept is shown in the sketch on page 19. It would be sufficiently open to the travelling public to enable the identification of businesses and to determine the availability of parking.

CENTENNIAL PARKWAY AREA STUDY

0 50 100
metres

MAP-6

Specific Improvements

Areas / Themes

- Green Parkland
- Green Funnel
- - - Green / Commercial Transition
- Commercial

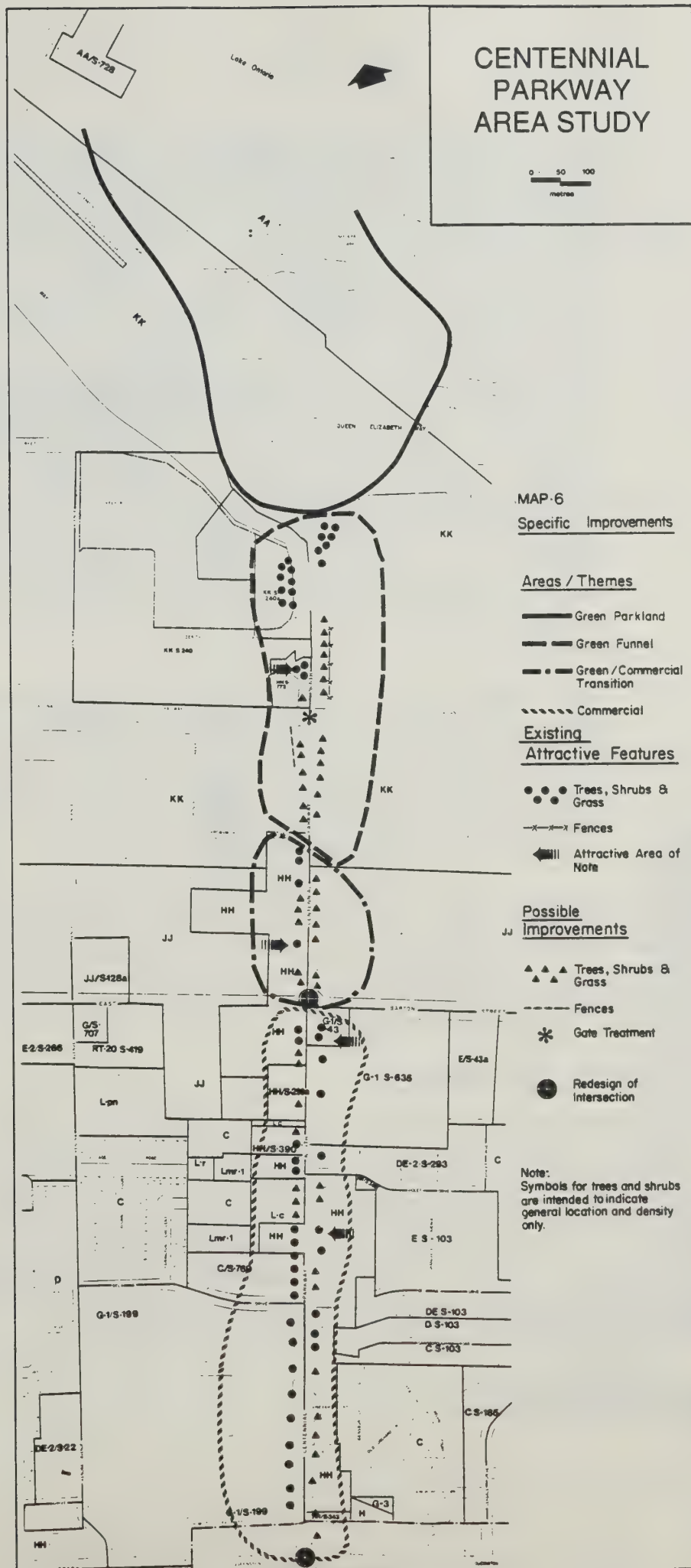
Existing Attractive Features

- • • Trees, Shrubs & Grass
- x-x-x Fences
- ◀||| Attractive Area of Note

Possible Improvements

- ▲ ▲ ▲ Trees, Shrubs & Grass
- - - Fences
- * Gate Treatment
- Redesign of Intersection

Note:
Symbols for trees and shrubs are intended to indicate general location and density only.



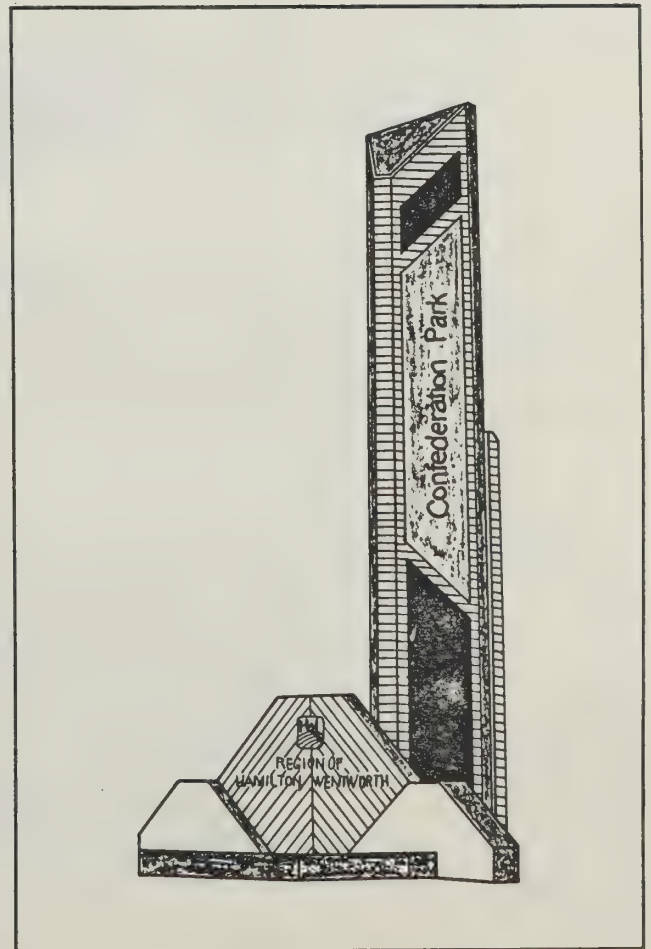
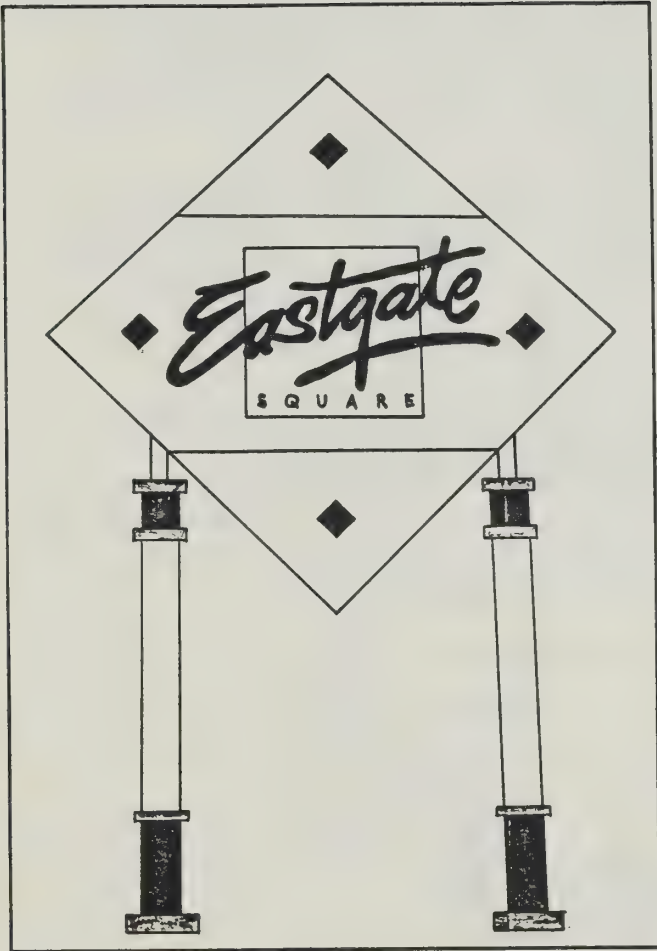
An example of sculptural elements in the area would be the sign to Confederation Park which is located at the main park entrance off Confederation Drive, north of the Q.E.W. This bold vertical sign (as shown in the sketch) includes various textures and colours, as well as lettering which is also vertical, as shown in the sketch. Sculptural elements at the two major intersections would need to be of a scale large enough to compete with the busy, traffic-oriented function of the roadways.

2. Construction of arches or gates over intersections: Open archways or a gridwork effect over the intersections, built up from all four corners, would provide highly visible landmark features much more so than the provision of design features on the adjacent corners. Such arches or gates would have no direct impact upon the safety of drivers or the amount of paved roadway. Care would have to be taken to maintain the existing daylight triangles on the corners of the intersection (required for driver visibility), by setting back the bases of the arches sufficiently from the roadway.
3. Other approaches for the redesign of these two intersections have been considered which involve realignment of the travelled portion of the roadway, and the introduction of design features within the roadway. Any such improvements should provide a minimum of safety hazard, confusion and distraction for drivers. Recent improvements have been made to upgrade and channelize these intersections.

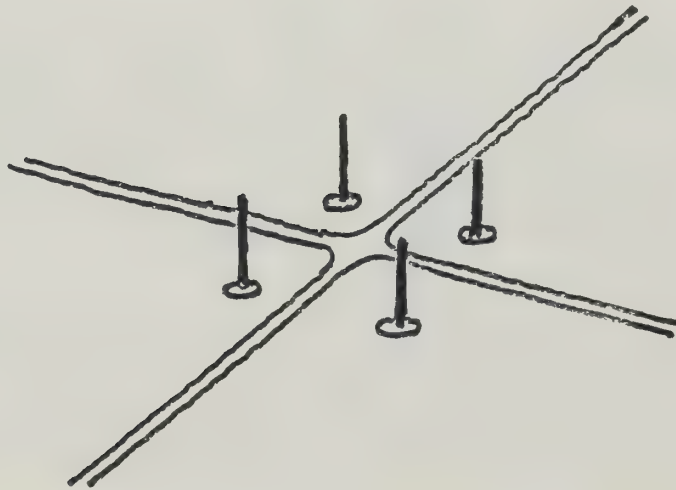
The above provide several alternatives for the redesign of these two important intersections. The exact approaches will be determined by means of a detailed design study, possibly including a design competition, as described later. It is noted that these intersections are under Regional jurisdiction, and therefore, any such changes must be approved by Regional Council.

3.3 Specific Improvements

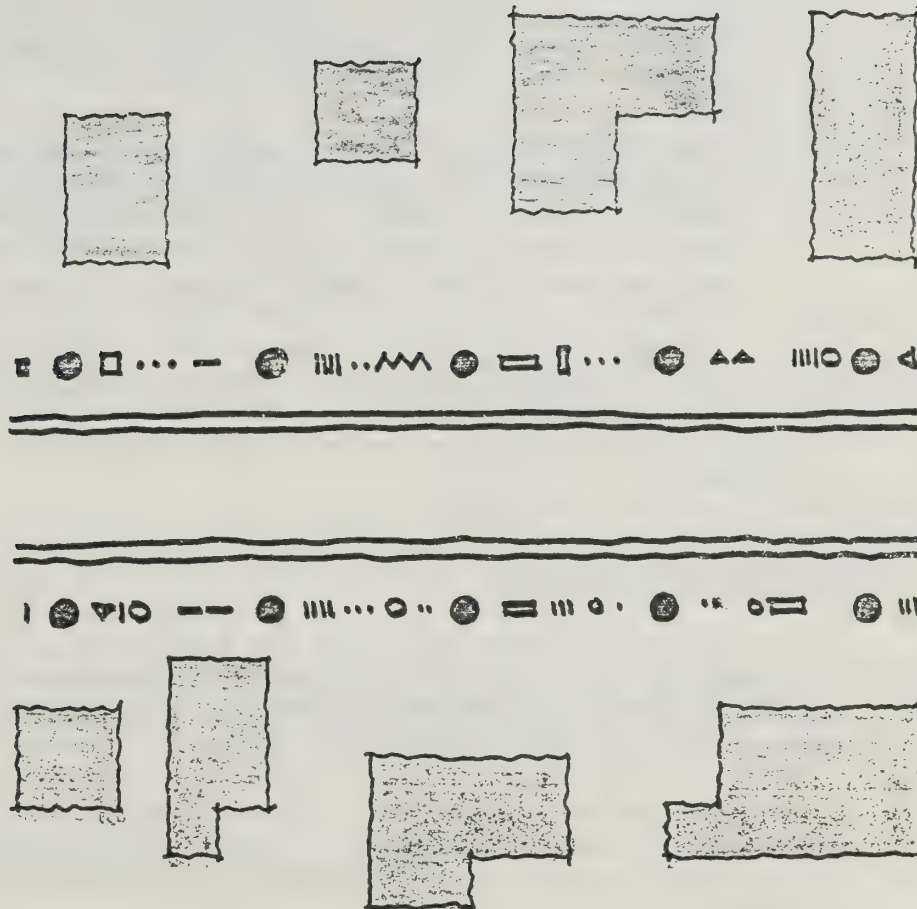
The general ideas and alternatives suggested by the Urban Design Concept have been formalized into a series of specific improvements which are proposed for the study area, as summarized on Map 6. The present and proposed land use for each area have been considered in developing these improvements, which are intended to ensure attractive and appropriate design for this area as a major multi-purpose gateway. The map indicates the themes used to develop the improvements for each sub-area such as "Green Parkland, Green/Commercial Transition, etc."



- o Redesign of the intersections at Barton Street and Queenston Road would help reinforce the sense of local identity associated with these important decision points, or points of departure for travellers. This redesign could be done in one of several ways; for example:
 1. Design Features on Corners: Major design features could be introduced on the corners of these three intersections, partly on the road allowance and mainly on privately owned lands adjacent to the roadways. These might include sculptural elements; signs of a special decorative nature, and/or large-scale landscaping displays. Such features would help make these two intersections readily identifiable, and should ideally convey the identity and image of the whole area, rather than of specific businesses. Such signs and other design features should be kept off the road allowance so that visibility problems and conflict with the underground utilities do not occur.



One example of a sign which provides an attractive decorative landmark is the recently installed sign for Eastgate Square, located on the northwest corner of the intersection of Centennial Parkway and Queenston Road. The sign is in the form of a large square, tipped on one corner, supported by two pillars which form a gate. The lettering, logo and colour scheme combine to form an appearance which is distinctive and appealing. A sketch of this sign is included in this report.



Landscaping would be included where necessary to fill in visual gaps, but would not be the major design element. The objective is to convert a cluttered "suburban highway commercial" streetscape into a prominent urban streetscape, as a statement of welcome to Hamilton.

- o An "entry point" or "gate" is proposed at the CN railway bridge which crosses Centennial Parkway south of the Queen Elizabeth Way. With the approval of the railway and the municipality, the bridge surfaces should be repainted in a manner which is appealing to the eye and compatible with the extensive landscaping proposed adjacent to the bridge, as well as helping to convey the gateway theme. The use of neutral colours is one option. Another would be to introduce graphics which are readily recognizable and which convey some aspect of the gateway theme, welcoming travellers to Hamilton.

- Several commercial developments, especially new ones, have attractively designed landscaping, such as the Signature Inn at the Q.E.W., the Pines Motel north of the CN bridge, and several retail plazas further south, including Eastgate Square.
- A variety of landscape treatments are associated with other highway commercial uses. Some have landscaping, and others have only dirt boulevard areas, large boulders to control vehicular access, vehicles parked close to the roadway and many business signs, especially mobile signs.
- Sidewalks are provided in some areas, such as adjacent to Eastgate Square, but not in the remainder of the area.

A comprehensive urban design concept is needed to co-ordinate the improvements in this area.

3.2 Urban Design Concept

As noted above, there is a need for a continuous, co-ordinated approach to design which is appropriate for the various land use types in the area. This is preferable to proposing scattered, unrelated spot improvements.

The urban design concept which is outlined in Map 5, proposes the recognition and reinforcement of the existing parkland areas, (i.e. Confederation Park) by means of the provision of additional landscaping in the north.

It also reinforces the commercial area south of Arrowsmith Road, by the provision of additional urban design features, such as amenities for pedestrians. The creation of several unique landmark features is also proposed, to help provide further identity for this area.

The urban design concept includes the following components:

- A "green space" or "green funnel" area of extensive landscaping is proposed in the north, extending southerly from Confederation Park to around Barton Street, to complement and expand the existing green open space and scattered pockets of plantings. This greenery should include both natural areas (trees or shrubs), and formal planting areas (such as shrubs, lawns, etc.).
- A "surrogate streetscape" of man-made features is to be introduced in the south, between Barton Street and Queenston Road. This would entail coordinating the layout of features such as light fixtures, hydro poles, flags, signs, street furniture, etc., along the street corridor.

3.0 DESIGN IMPROVEMENTS

The design and appearance of landscaped areas, open spaces, buildings and pedestrian facilities all play an important part in the physical image of Centennial Parkway, especially in regard to its role as a gateway to eastern Hamilton and Stoney Creek. Attention to design, including the provision and maintenance of attractive landscaping, will help enhance the existing and proposed future land uses. The creation of landmarks will help provide a strongly positive identity for the area.

This discussion of design improvements includes the following:

- a description and evaluation of the existing design features of the area, which notes the positive aspects and those which can be improved;
- an urban design concept which identifies the "green space" and "suburban commercial" themes to be used in co-ordinating the overall design, and the appropriate locations for special features; and,
- the specific design improvements to be introduced, including landscaping and special landmarks. These are to be implemented by means of public initiative on public lands, and zoning by-law amendments and site plan control on private lands.

3.1 Existing Design Features

The existing design features of the area include a wide range of attractive natural features and added landscaping features. There are also gaps in landscaping and other areas with potential for improvement. These existing features are shown on Map 6 and are as follows:

- In the northern part of the study area, adjacent to the Queen Elizabeth Way, the trees, shrubs and grassy areas create an open space corridor which extends the "park-like" setting of Confederation Park. A large, stylized sign treatment is located at the entrance to the Park.
- Some industrial uses located south of the Q.E.W. are visible from Centennial Parkway, such as storage areas. Others are partially screened by closed fences.
- The CN railway bridge which crosses Centennial Parkway north of Barton Street presently is in need of repair and repainting. This structure appears to be a barrier to views of the roadway to the south, due to its narrow width and low elevation.



Section 3.0

DESIGN IMPROVEMENTS

Any subsequent rezoning(s) will be subject to discussions with the respective land owners to ascertain their expectations for the development/redevelopment of these lands, and their response to the City's proposed Official Plan changes.

In the preparation of the Neighbourhood Plan, the site should be designated for Business Park/Commercial, and have a policy recognizing its strategic location relative to the gateway function.

2.7 Implementation Strategy

A detailed implementation strategy of the proposed land use concept is detailed on Table II which identifies:

- changes to the Official Plan;
- discussion with property owners prior to any rezonings being initiated;
- provision of site plan control;
- preparation/revision to the Neighbourhood Plan; and,
- other pertinent comments.

It should be noted that the Table deals with all those lands north of Barton Street, since this is where all the changes to the Official Plan are recommended, and further action on existing zoning is suggested. No changes to the Official Plan are recommended for the area south of Barton Street, mainly because the existing controls in place support the findings of this study.

When Council formally endorses the findings of this study, the following actions are necessary:

- initiate an Official Plan Amendment incorporating the changes identified;
- initiate meetings with the owners of the properties on the east side between the Q.E.W. and Barton Street to ascertain their intentions for the future development/redevelopment of their lands and possibilities of future rezonings;
- initiate Site Plan Control immediately on all lands within the study area which are not currently covered; and,
- prepare Neighbourhood Plans for Nashdale and Lakely and amend the Kentley and Riverdale West Neighbourhood Plans.

High priority will be given to these actions in the Planning and Development Department's work program.

Preparation of the Neighbourhood Plan should designate this area for Light Industrial uses and incorporate policies to:

- o recognize the maintenance and enhancement of the existing industrial uses;
- o recognize the potential for improving the area's appearance by utilizing the slope adjacent to Centennial Parkway.
- o encourage access and development of the rear of the vacant lands to be oriented towards Cascade St.

2.6 Business Park/Commercial

Lands designated Business Park/Commercial are located on the east side, between the Q.E.W. to south of the railway tracks. Lands north of the tracks are developed with a heavy industrial use (Waxman's) and south of the tracks are vacant. Uses which will be encouraged in the development/redevelopment of these lands will include tourist-related uses such as accommodation, recreation (racquet sports, fitness centres, etc.) and entertainment (theatres, night clubs, playhouse, etc.). As an alternative, light industrial-business park uses and offices will also be considered.

These lands are designated "Industrial" in the Official Plan and are within Special Policy Area 11, which encourages "light industrial uses", and zoned "KK" (Restricted Heavy Industrial).

It should be noted that a rezoning application has been received for the vacant 10 acre parcel. The applicant is proposing to develop the site for commercial uses and requests a rezoning to permit uses such as a gas bar, bingo hall, bowling alley, billiard hall, flea market, places of assembly, theatre, offices, motel/hotel and adult entertainment parlour. The Traffic Dept. has expressed a concern regarding access to this property for the proposed uses, and is currently assessing the situation. The final land use determination can therefore not be made until this matter is resolved.

The area has the potential for higher order uses as noted above, given their proximity and access to the Q.E.W. interchange and Confederation Park. On this basis, an amendment to the Official Plan can be supported to:

- o redesignate the area from "Industrial" to "Commercial";
- o remove it from Special Policy Area 11;
- o establish a new Special Policy Area to encourage the uses noted above; and,
- o place it under Site Plan Control immediately.

This designation has been implemented by the approval of both the City and Region Official Plan Amendments #63 and 34 respectively. O.P.A. #63 redesignates the hotel portion of these lands from "Open Space" to "Commercial", and the entire site has been removed from Special Policy Area 10. In addition, the City passed By-law 89-53 to rezone the lands from "AA" and "KK" to "F" (Special Waterfront) modified, and place it under Site Plan Control.

2.4 Shopping Centre

The Official Plan defines a Shopping Centre as a group of commercial establishments planned and developed as a unit. The Parkway Plaza at the southeast corner of Centennial Parkway and Barton Street provides for the major weekly shopping needs for the residents of the adjacent neighbourhoods.

This area is designated "Commercial" in the Official Plan and zoned "G-1 (Designated Shopping Centre) Special. This District is under Site Plan Control. The Official Plan and zoning provisions reinforces this area's function as a major shopping centre catering to the local residents and the travelling public. On this basis, no changes are required to the Official Plan and zoning.

Review of the Neighbourhood Plan should recognize the Shopping Centre designation and consider a policy to maintain and enhance this centre. Further, a policy should be included to encourage improvements to this centre such as access points, landscaping and signage along Centennial Parkway.

2.5 Light Industrial

Light Industrial uses as defined in the Official Plan are those industrial uses which have minimal impacts on surrounding uses. They are generally encouraged to concentrate in designed community-like precincts. Uses encouraged in Light Industrial areas include warehousing, light manufacturing and assembly, laboratories and research facilities, communications facilities, and alike. Two areas are identified for these uses: the existing industrial uses on the west side between Arrowsmith Road and the railway bridge and the rear of the vacant 10 acre parcel opposite on the east side.

This area is designated "Industrial" in the Official Plan and falls within Special Policy Area 11, which encourages "light industrial uses". In addition, this area is zoned "KK" (Restricted Heavy Industrial) District. These provisions should remain to compliment and reinforce the existing industrial area to the east and west of Centennial Parkway. However, Site Plan Control should be applied immediately to ensure appropriate development standards are introduced.

2.3.3 South of the Queen Elizabeth Way

This Highway Commercial designation encompasses the west side from the Q.E.W. to the railway bridge. The existing uses include the Signature Inn, retail plaza, vacant land, the Pines Motel and the Pine Tree Restaurant.

These lands are designated "Industrial" and within Special Policy Area 11 which encourages Light Industrial Uses. While the existing uses are not industrial per se, they are considered both supportive of and compatible with the Industrial nature of the area, and are permitted in the Official Plan on this basis. The hotels, retail plaza and lands to the west on Goderich Road are zoned "KK" (Restricted Heavy Industrial) District with "special" provisions permitting the hotel and other retail and service uses, and places them under Site Plan Control.

The Pines Motel and adjacent Pine Tree Restaurant are zoned "HH" with specific provisions related to these uses. Council recently approved a zoning application for a 0.12 ha (0.3 acre) parcel immediately north from "KK" to "HH" to provide for the expansion of the restaurant and parking lot.

While the "Industrial" and Special Policy Area 11 provisions in this area provide no major impediments to tourism-related development, a redesignation to "Commercial" would more appropriately reflect the existing uses and their strategic location adjacent to the Q.E.W. interchange. On this basis, an amendment to the Official Plan can be supported.

Preparation of the Neighbourhood Plan for this area should recognize the Extended/Highway Commercial designation; reinforce the existing uses; and encourage its enhancement through maintenance of its high quality landscaping and site design, in accordance with design guidelines prepared for the area.

2.3.4 Northwest Quadrant at the Queen Elizabeth Way

This Highway Commercial designation includes the vacant lands owned by the City and Region immediately east of Lang's Foods, at the extreme north end of Centennial Parkway. Both the Confederation Park Master Plan and the Region's Tourism Development Strategy identified this site as ideal for a hotel and tourism information centre. Its location opposite the eastbound off-ramp of the Q.E.W. is strategic in providing a first impression of the City. On this basis, the development of this site must be sensitive to this role.

Given the existing uses, and the excellent exposure and access qualities of these properties, there is merit to redesignating them from "Industrial" to "Commercial", and removing them from Special Policy Area 11.

The Commercial redesignation should be contingent upon incorporating these lands into a new Special Policy Area limiting the Commercial development to those uses which support tourism and the travelling public, such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs and other similar uses. Future rezoning of these lands should be subject to discussions between the City and the owners to ascertain their intentions for future redevelopment potential and receptiveness to rezoning to permit the above-noted uses. Site Plan Control should be introduced here immediately.

The west side of Centennial Parkway between Barton Street and Arrowsmith Road is designated "Commercial" in the Official Plan and zoned "HH" (Restricted Community Shopping and Commercial) District. The "HH" District zoning permits a wide range of commercial uses, including hotels, restaurants, retail stores, business and professional offices, among others. Development in the "HH" District is subject to Site Plan Control. Since the planning instruments for this area support commercial development, no changes are necessary.

However, to ensure a co-ordinated approach to development/redevelopment in this area, necessary to ensure its success, Neighbourhood Plans for this area (Lakely and Nashdale) should be prepared. Further, these Neighbourhood Plans should consider the following policy matters for this area:

- development/redevelopment potential of the two small vacant parcels (one on the east side and one on the west side);
- maintain and reinforce the existing Highway Commercial uses;
- encourage uses such as theatres, fitness clubs, car/truck rentals and other uses which would support this area for tourists; and,
- site design, landscaping and building facades should reinforce this area's importance as a gateway.

This entire area, except for the existing residential uses at Violet Drive, is designated and zoned for a wide variety of commercial uses. Any development or redevelopment will be subject to Site Plan Control.

Since this is a healthy commercial area serving the adjacent residents and the travelling public, then the existing planning controls should remain. In addition, the Neighbourhood Plans should be amended to reflect the Extend/Highway Commercial designation and the following policy matters be incorporated into the Plan:

- encourage the maintenance and upgrading of the existing uses through improvements in landscaping, building facades, accesses, etc.;
- development/redevelopment potential of the Alexander Motel property land and vacant lands between the Shell station and the Honda dealership;
- encourage development/redevelopment where site and building design, and access are co-ordinated and complementary; and,
- interface with residential should be designed to minimize impacts of commercial utilizing landscaping, buffers, fences, setbacks, parking, amongst others.

2.3.2 North of Barton Street

The Highway Commercial designation north of Barton Street extends north to Arrowsmith Road on the west side and to and including the car dealerships on the east side. This area is already developed with a number of Highway Commercial uses, including: three service stations, two car dealerships, and a strip plaza.

The two car dealerships and service station on the east side are designated "Industrial" and are within Special Policy Area 11 (Light Industrial Uses) in the Official Plan. This area is zoned "JJ" (Restricted Light Industrial) District. The industrial zoning on these lands is likely a non-conforming situation which arose when the City annexed a portion of Saltfleet Township. At that time, the area north of Barton Street was envisaged as an industrial corridor contiguous with the existing industry to the east and west.

Eastgate Square and the east side of Centennial Parkway are designated "Commercial" in the Official Plan. In addition, the Official Plan symbolically shows this area as "Sub-Regional Centre". On this basis, no amendment to the Official Plan is required. Further, the zoning reflects the Official Plan designation and the existing uses: Eastgate Square is "G-1" (Designed Shopping Centre) District; and, the east side is "HH" District. Both these Districts are under Site Plan Control.

St. Gregory the Great Church is designated "Major Institutional" and zoned "C" to permit the church and related uses. Since uses such as churches are encouraged adjacent to Sub-Regional Centres, then the Official Plan and zoning should remain unchanged.

The Neighbourhood Plans (Kentley and Riverdale West) should be amended to reflect the Sub-Regional Centre designation. In addition, the following policy matters should be incorporated into the Riverdale West Neighbourhood Plan for the lands on the east side of Centennial Parkway:

- encourage offices, health and community services; and,
- design and access to be oriented to Centennial Parkway and its quality should reflect the area's importance as a Sub-Regional Centre.

2.3 Extended/Highway Commercial Uses

The Official Plan defines these uses as those stretches of commercial uses located along arterial roads serving pedestrians and cars, and includes larger-scale commercial uses on deeper lots, which rely on locations readily accessible to cars, specifically coming to, and parking on the site.

There are four major areas where these types of uses will be encouraged: both sides south of Barton Street; both sides north of Barton Street; the west side south of the Q.E.W., and the northwest corner at the Q.E.W. and Centennial Parkway. These areas are discussed under separate headings.

2.3.1 South of Barton Street

The Highway Commercial designation south of Barton Street extends south to Delawana Drive, on the east side (excluding the Local Commercial Uses at Delawana Drive and Violet Drive) and south to St. Gregory the Great Roman Catholic Church on the west side (excluding the Local Commercial north of the Journey's End Motel). This area is already developed with predominantly Highway Commercial Uses including, amongst others: two car dealerships; four service stations; one motel; and several fast-food and sit-down restaurants.

The Neighbourhood Plans (Kentley on the west side between Barton Street and the City limits, and Riverdale West on the east side between Barton Street and the City limits) should be amended to reflect these Local Commercial Uses locations. In addition, the following policy matters should be incorporated into the Neighbourhood Plan:

- one site to be set aside for Local Commercial Uses on the west side;
- minimum of two sites to be set aside for Local Commercial Uses on the east side;
- Local Commercial Uses to be oriented to the local street, preferably with no access to Centennial Parkway; and,
- site and building design to complement and be sensitive to adjacent residential uses.

2.2 Sub-Regional Centre/Commercial

The Sub-Regional Centre, as defined in the Official Plan, is intended to be promoted as a secondary retail, business and service centre in the Region. Uses to be encouraged include relevant district or branch offices, and services of businesses and other levels of government having their main regional offices in the Central Area (downtown Hamilton). In areas adjacent to the Sub-Regional Centres, additional uses will be encouraged, including:

- higher density residential uses;
- retail and office uses;
- major institutional uses, including social, community and health services.

The Sub-Regional Centre/Commercial, for the purposes of this study should encompass Eastgate Square, St. Gregory the Great Roman Catholic Church, and the east side of Centennial Parkway between Delawana Drive and the Hamilton/Stoney Creek city limits (excluding the Local Commercial site at Vineyard Road). It is recognized that the Sub-Regional Centre, as defined in the City and Regional Official Plans, extends beyond the one which is identified in this study as Sub-Regional Centre/Commercial.

- Amendments to the zoning by-law for all appropriate portions of the study area are proposed to regulate landscaping, building setbacks and the overall design of new development, as well as the preferred land use types.
- Control of building setbacks is a possible approach for managing the appearance of the area. In some areas such as the east side of Centennial Parkway just north of Queenston Road (to be developed as an extension to the Sub-Regional Centre) new buildings might be brought closer to the roadway at the time of any future redevelopment to form part of the "surrogate streetscape" effect. This would provide contrast with the standard greater setbacks and front parking areas associated with most of the Extended Highway Commercial area.
- Site plan control is proposed for all lands in the study area. This will provide a back-up mechanism to the amended zoning by-law for the control of the type and design of landscaping, materials, building setbacks, and the overall design of each redevelopment project. At present, redevelopment in some zones is exempt from site plan control.
- Design guidelines are to be prepared to give direction to the site plan approval process. They will help ensure that some standard criteria are applied to development agreements, compatible with the objectives of this study. These guidelines must be established and adopted as policy (i.e., by means of approval by the Planning and Development Committee) in order that they may be implemented by means of site plan control. As much as possible, these guidelines will be incorporated into zoning by-law amendments.

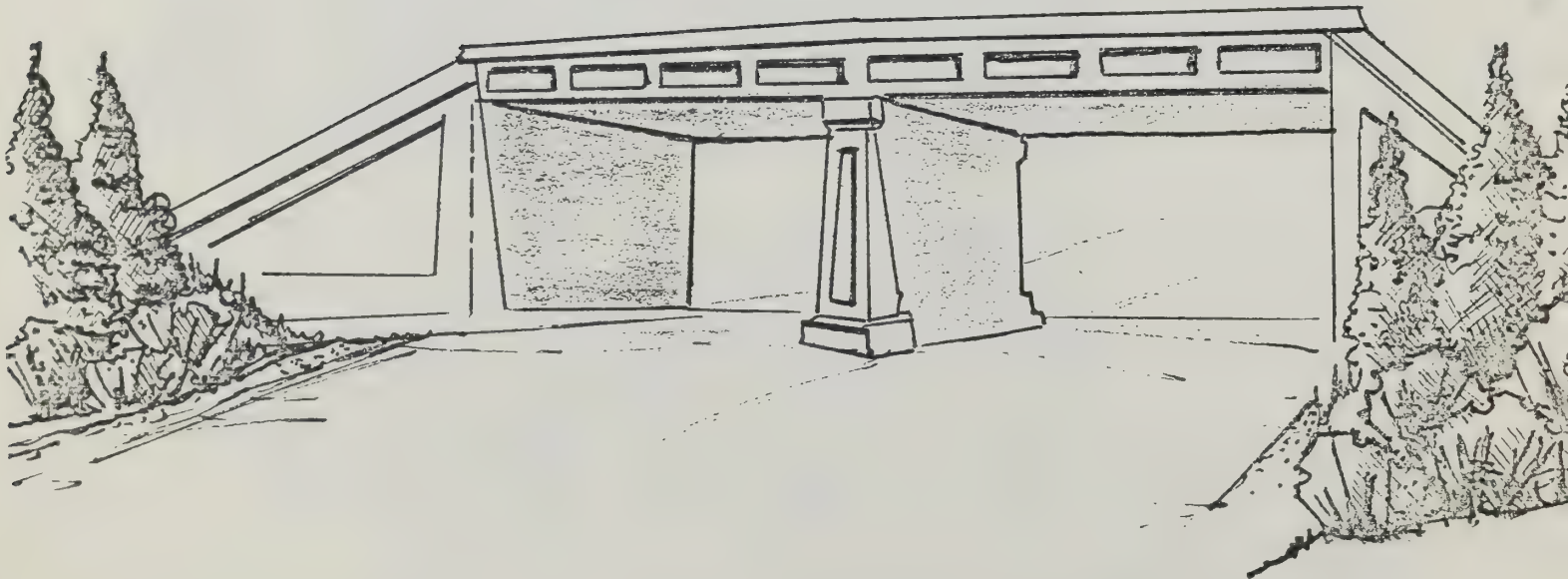
These design guidelines are to be detailed as a part of the implementation of this study. They will define, for each separate sub-area, the types and amounts of landscaping to be provided (approximate building setbacks), and other details as contained in the foregoing sections of the report. For example, redevelopment in the area north of Arrowsmith Road will require an abundance of landscaping, preferably in the form of dense green plantings, to reinforce the "Green Parkland" theme for this area.

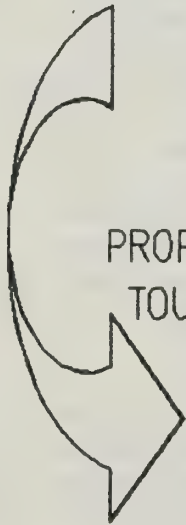
3.4 Implementation Strategy

The implementation approach for the proposed design improvements is summarized in Table II. The table provides an indication of the timing, the associated priorities and further details of the Departments and agencies which will be responsible for implementing each design feature. The proposed land use designations are also indicated.

The implementation of the majority of these design improvements will be carried out by various municipal departments, co-ordinated by the Planning and Development Department, in co-operation with local property owners. The City will be largely responsible for initiating and funding improvements on the City-owned road allowance, and property owners will be responsible for those on private property. Cost-sharing arrangements may be possible in some cases, where local improvements projects are initiated, such as the provision of sidewalks. Special funding approaches could also be further explored.

It is proposed that a design competition be considered to determine the detailed design of the improvements for the redesign of the CN Railway bridge, and of the intersections at Barton Street and Queenston Road. Terms of reference for these projects will be prepared and submissions will be invited from landscape architects and design experts in order to provide the best possible approaches for these highly visible areas.





Section 4.0

PROPOSED APPROACHES TO TOURISM AND MARKETING

4.0 PROPOSED APPROACHES TO TOURISM AND MARKETING

The tourism sector relates to the eastern gateway area in several ways and together with marketing, provides a number of opportunities for enhancing the role and vitality of the area.

The original City Council direction for this study was to identify the planning impediments (i.e. in terms of policies and designations) to developing the area for tourism related uses. The earlier sections of this report have identified proposed modifications to these planning policies and designations to encourage additional tourism uses. The identification and proposed redesignation of properties which are appropriate for redevelopment as tourist attractions, tourist facilities or related commercial uses has been discussed in detail.

This section of the report deals with approaches for retaining, enhancing and increasing the existing tourist attractions and facilities located within the study area. It is recognized that the tourist facilities such as hotels and motels located within the Centennial Parkway area may serve tourists using east Hamilton as a base for visiting destinations elsewhere within the City, the Region or the wider Toronto-centered region.

The importance of other facilities and services such as a strong, vibrant local commercial community is recognized in the discussion of Business Improvement Areas which follows. The associated marketing and promotion of the area is also discussed. Other related approaches include the improvement of signage to this area, especially from the adjacent Q.E.W. highway. These approaches are all intended to contribute to the image, popularity, vitality and continued growth of this area.

4.1 Tourist Attractions

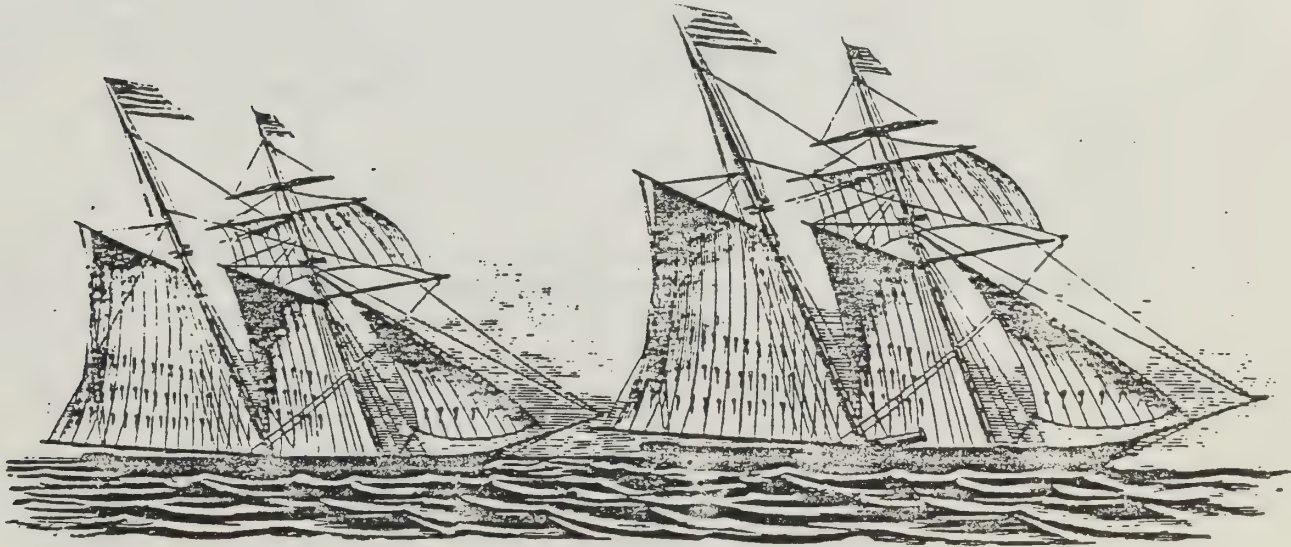
Confederation Park is a significant tourist attraction and landmark within the study area and eastern Hamilton serving residents of the Region and visitors. The many facilities located within this 205 acre park, such as the outdoor wave-action pool, waterplay areas, campground and boating facilities are described in detail in Section 1.3 of this report. The potential for expansion and improvement of Confederation Park has been identified in several reports, including the Confederation Park Master Plan and the Regional Economic Strategy.

As previously noted, possible types of additional attractions and improvements include:

- a tourist/commercial and community centre;

- upgrading and expansion of the wave-action pool and waterslide; and,
- o upgrading and expansion of the existing campground facilities.

The Hamilton and Scourge Warships Museum is a proposed attraction which is being studied for development in Confederation Park. This project involves the relocation of two War of 1812 schooners, now located at the bottom of Lake Ontario, to a museum within Confederation Park. An initial display has already been developed within the Park grounds. Research and study is on-going to assess the feasibility of raising the ships, and financial implications are being evaluated. If this project is successful, the resulting display can be expected to be a major attraction, of international significance.



The Regional Economic Strategy proposed the development of several new tourist attractions within the Region, to help strengthen the important role which tourism plays within the economy of Hamilton-Wentworth, and to enhance its development as a regional centre. Possible suggestions for additional attractions, some of which may be suitable for the highly accessible area within and adjacent to Confederation Park, include development of:

- an indoor/outdoor theatre, similar to Ontario Place (which may be achieved within the waterfront proposals at the western end of the Harbour);

- a museum on Hamilton history, including the War of 1812, to compliment the Hamilton/Scourge display;
- a sculptural park based on steel;
- a large Regional scale amusement park; and,
- an arts and crafts park.

Other possible tourist attractions for this area are currently being discussed, such as a docked warship to be used for a museum and/or restaurant.

Further study would be required to determine the feasibility of developing any of these attractions. The park offers great potential for the attraction of many more tourists due to the new facilities being considered. With the existing anchor of Confederation Park, and the high volumes of international traffic which annually pass by this area on the nearby Queen Elizabeth Way, the development of additional attractions would increase the attractiveness of the area to tourists.

4.2 Tourist Facilities

The various hotels, motels and convention facilities (such as the meeting rooms in the Signature Inn), within the study area support the tourist attractions in the immediate vicinity as well as serving a much wider area for tourists and business users. These include the motels noted in the existing land use description, in section 2.1 of this report. Additional tourist facilities are proposed, including the following:

- Regional Hotel

The Region is presently pursuing the development of a hotel on Regional lands located on the south side of Confederation Park Drive, and managed by the Conservation Authority as part of the lands of Confederation Park to the north.

In order that the proposed hotel may be designed in a manner which is complimentary to and compatible with the adjacent park and suitable for this highly visible location, the Region established design criteria and facilities to be included in the development. These include conference and meeting rooms, recreational facilities, an outdoor children's play area, etc. with the overall design compatible with the park/waterfront setting.

- Regional Tourist Centre

Just to the east of the proposed hotel site, on Confederation Park Drive at its junction with Centennial Parkway, a Regional tourist information centre has been planned.

This information centre will serve an important function in informing visitors about tourist attractions in the immediate vicinity and elsewhere in the Region. The information and brochures should ideally emphasize attractions and facilities available in the study area. This could be done by means of developing and promoting a special, unique identity and theme for the area, (see Section 4.3). This will help in the promotion of the area as a definable destination for tourists.

- Other Hotels and Facilities

Several other sites within the study have potential for redevelopment as tourist facilities such as hotels and motels. A vacant parcel, the site of the former Alexander Motel south of Barton Street, on the west side of Centennial is currently for sale. A number of uses including a new motel have been studied by various potential purchasers. The larger redevelopment sites on the east side, south of the Q.E.W., would also be potential sites for such uses.



4.3 Marketing and Promotion

The Centennial Parkway area can benefit from the provision of additional marketing and promotion, through several approaches which are as follows:

- Business Improvement Area/Local Business Association - Many of the commercial districts within Hamilton have been designated as Business Improvement Areas. Examples of these areas are in the Central Area (King Street East, James Street North), on Ottawa Street North, in Westdale and on Concession Street. These areas involve joint marketing and promotion, streetscape improvements such as landscaping and benches and special events. Local business associations plan these joint actions, with each business contributing a set amount of money and additional funding being provided through the City's Community Development Department.

Such an approach merits consideration for the Centennial Parkway area. The strengthening of the local commercial area would increase the vitality of the area, and its ability to serve tourists and others.

Possible benefits include increased awareness of the area due to greater marketing; lower advertising costs for individual businesses; the potential to encourage increased pride in the appearance of the area on the part of individual owners of commercial establishments; greater site maintenance and more private funds spent to improve landscaping, signs, and other aspects of appearance in a co-ordinated way throughout the area.

The Community Development Department has indicated that, because of the varied land use and fragmented location of businesses on the street, the area does not lend itself well to the Business Improvement Area concept. Rather, it would be more appropriate to form some type of an association or lobby group to ensure the involvement of all local business people in the design and implementation of the recommended improvements.

The varied types of businesses contained in the study area are unlikely to share the same markets and advertising needs. However, the creation of a local business association, at least for the extended highway commercial portions of the area between Barton Street and Queenston Road, would have the benefits of focussing attention on common concerns and action on the streetscape improvements which are recommended in this report.

It is therefore recommended that the Community Development Department, along with the Planning and Development Department, provide encouragement and assistance to the business owners and tenants of this sub-area to form a business association. There has been an informal business association in east Hamilton which could form the basis for a new business association. This group included business people from hotels, car dealerships, and other businesses on Queenston Road and Centennial Parkway, as well as representatives of Stoney Creek, Eastgate Square and the Centre Mall. These people met to discuss such issues as signage in the eastern area of the Region.

- Identification of Area Theme - Related to the formation of a business association is the use of an identifiable theme for the area. Most of the successful commercial areas in the city, have created an identifiable theme or flavour, such as "trendy" boutiques (Hess Village), heritage (James Street South), ethnic/cultural diversity (King Street East), etc.

A possible theme for the Centennial Parkway area might include a Gateway concept or other themes as suggested by some of the possible improvements to intersections. Such a theme could be used on advertising flyers, tourist promotional literature and on signs and banners throughout the area.

- Promotional literature - Brochures could be prepared which describe the major features of the area to potential tourists or convention-goers, such as Confederation Park, Eastgate Square Shopping Centre, and the various major types of commercial establishments (automobile, restaurants, electronics, etc.). Such promotional literature might be provided to the area hotels and motels, possibly with the inclusion of discount coupons, to assist in marketing hotel accommodations. The Regional Economic Development Department may provide staff expertise to assist with the development of such promotional literature, and with its distribution to appropriate tourist information centres. The preparation of such material would be at the expense of the individual businesses. The proposed new Regional tourist information centre at Confederation Park would be an ideal location for the promotion of facilities within this immediate area.

4.4 Roadway Signs

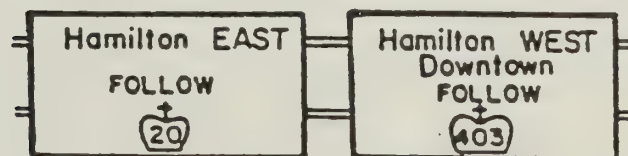
The roadway signs in the vicinity of Centennial Parkway serve an important function in attracting and directing the motoring public to this area. The present signs include several along the nearby Queen Elizabeth Way, directing travellers to Confederation Park and the gas/accomodations/restaurants facilities found to the south of the highway along Centennial Parkway.

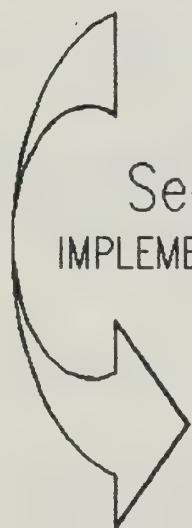
The positive contribution of roadway signs to the area can be expanded further by the implementation of the recommendations of the Hamilton-Wentworth Regional Signage Study Draft Report (January, 1988). These recommendations and other issues related to roadway signs are provided in the following:

- Eastern Hamilton Signage - The draft Regional Signage Study recommended that the interchange of the Q.E.W. with Centennial Parkway be signed "Hamilton East - Follow Highway 20". This provincial highway access was seen as a major eastern access or gateway to Hamilton, which is consistent with the intent of the present study. Following preliminary discussions, the Provincial Ministry of Transportation did not support the signing of this interchange as recommended. It is Ministry policy that only actual local municipalities can be referred to on highway signs, and "Hamilton East" is not an official municipality name. It is therefore recommended that the Province be requested to reconsider the signing of this interchange to permit the use of "Hamilton East" or a similar sign, to indicate that this is the main eastern gateway and entrance to the City.
- Route to Downtown Hamilton - A route to downtown Hamilton from the east end of the City should be identified from the Centennial Parkway interchange. At present, such a route to downtown is provided via the Burlington Street interchange. This route, while perhaps slightly faster, does not provide the view of tourist and commercial facilities, upgraded landscaping and related design improvements which the Centennial Parkway area will have when the proposed improvements are implemented. Downtown directional signs should be provided at the Q.E.W. interchange, as well as at the intersections of Barton Street and Queenston Road. The proposed redesign of these intersections as well as this signage will help to provide the visual landmarks to direct travellers to downtown.

- Signs for Accommodation and Services - Signs indicating accommodation, food, automobile service stations, etc. should continue to be provided. At present, the standard Ministry of Transportation symbolic signs for these functions are used. These could be expanded to indicate the number and types of tourist accommodations and facilities which are found in the area, as long as they meet the Ministry requirements regarding clarity and consistency.
- Signs for Tourist Attractions - The draft Regional Signage Study provides some recommendations concerning the signs for major and minor tourist attractions. Major attractions, namely those with over 100,000 visitors per annum, which include the Wild Waterworks in Confederation Park, may qualify for trailblazer signs on Freeways, Regional and City streets. These signs would be required to meet Ministry regulations for size and design. Smaller attractions of a cultural, historical or artistic nature, rather than strictly commercial, such as the planned Warships Museum would be permitted to use similar directional signs. It is recommended by the Signage Study that these signs be standardized in design, colour and type of graphics for the entire Region, for the purposes of consistency and easy identification.

In summary, the recommendations concerning roadway signs call for more and clearer signs on the Q.E.W. and local roads which highlight the eastern gateway function of this area, its role as an alternative route to the downtown and the presence and type of tourist attractions and related facilities. These signs should be carefully designed and situated to have maximum positive impact. The recommendations of the draft Regional Signage Study for the vicinity of Centennial Parkway should be implemented, to ensure maximum visibility for this area.





Section 5.0
IMPLEMENTATION STRATEGY

5.0 IMPLEMENTATION STRATEGY

The preceeding sections of this report have identified:

- the planning impediments to developing the area for tourism-related uses;
- the development/redevelopment opportunities for tourism-related uses;
- the actions that can be undertaken to enhance the area's image as a gateway; and
- the promotional opportunities to attract tourists to this part of the City.

For these proposals to be effective, a detailed implementation strategy is necessary. Accordingly, the purpose of this Section is to summarize all the recommendations and identify how they can be implemented.

5.1 Official Plan Amendments

Section 2.0 identified three major changes to the Official Plan which can be supported.

- the Signature Inn, retail plaza, and the Pines Motel and restaurant on the West side south of the Q.E.W. should be redesignated from "Industrial" to "Commercial" and removed from Special Policy Area 11 - Light Industrial Uses;
- the east side of Centennial Parkway from the Queen Elizabeth Way to south of the railway tracks should be redesignated from "Industrial" to "Commercial" and removed from Special Policy Area 11. This area should be included in a new Special Policy Area which will encourage recreational/entertainment/accommodation uses given their potential for such development in close proximity to the Queen Elizabeth Way interchange and Confederation Park. Provision should also be made for prestige industrial or business park-type uses, should the recreational/entertainment/accommodation uses not be realized. Policies should recognize the strategic location of these lands relative to its gateway function and encourage development/redevelopment accordingly; and,
- the two car dealerships and service station on the east side, north of Barton Street, should be redesignated from "Industrial" to "Commercial", removed from Special Policy Area 11 and placed in a new Special Policy Area limiting commercial development to those uses which support tourism and cater to the travelling public such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs and similar uses. It should be noted that a zoning application (ZA-89-38) is now being considered for retail commercial uses on a vacant 10 acre parcel immediately south of the railway tracks.

Further, to implement some of the area improvements noted in Section 3.0, funding may be available in the future through programs offered by various levels of government. To take advantage of any such programs, the Official Plan should be amended to identify this area as a "Community Improvement Area" on Schedule "H" of the Plan.

To implement these changes, the appropriate amendment to the Official Plan should be initiated.

5.2 Zoning

Section 2.0 detailed three specific zoning initiatives consistent with the changes recommended for the Official Plan which can be supported. However, prior to proceeding with these initiatives, it is necessary that Planning staff be directed to meet with the owners/developers of the affected lands. The purpose of such discussions will be to ascertain their intentions for development/redevelopment of their lands and their receptiveness to initiating such rezonings.

5.3 Neighbourhood Plans

The two existing Neighbourhood Plans, Kentley and Riverdale West, should be updated to reflect the proposed Land Use Concept as detailed in Section 2.0 of this report. Further, Neighbourhood Plans should be prepared for Lakely and Nashdale on the same basis. High priority should be given to the revision/preparation of these Neighbourhood Plans.

In conjunction with the revision/preparation of the above-noted Neighbourhood Plans, urban design guidelines should be established for the area. These guidelines should reflect the concepts articulated in Section 3.0.

5.4 Site Plan Control

Site plan control should be established immediately for those areas not now covered by it. This will assist in the implementation of the urban design guidelines and Design Improvements.

5.5 Design Improvements

Table II in Section 3.0 details those actions (and their priority) which should be undertaken to enhance this area's importance as a gateway. These actions and priorities should be endorsed and implemented as detailed in that section.

5.6 Tourism and Marketing

Section 4.0 identifies three ways of promoting the Study Area in general and the tourist industry in particular:

- Business Improvement Area/Local Business Association. This would be geared to the commercial component of study area and implemented by the Community Development and Planning Departments;
- Identification of an area theme. This action would be an integral part of the formation of the local business association; and,
- Promotional literature. This would be prepared and distributed by the Regional Economic Development Department in consultation with the local business association. The Region's planned tourism information centre at Confederation Park is an ideal opportunity to promote the many attractions and facilities in the study area.

Both the City's Community Development Department and the Region's Economic Development Department should be requested to assist the Planning staff in carrying out these suggestions.

Roadway signage for this area was part of a Region-wide study. The findings of this study support the findings of the signage study. The Regional Engineering Department should be advised of this support and in particular:

- requesting the province to consider signing the Centennial Parkway interchange on the Q.E.W. as "Hamilton";
- identifying Centennial Parkway as an alternate route to the downtown; and,
- providing trail blazer signs for Confederation Park and Wild Water Works.



Section 6.0
COURSE OF ACTION

6.0 COURSE OF ACTION

The following course of action is recommended to implement the findings of this study:

- Planning and Development Committee direct staff to set up an "Open House" and a Public Meeting and give the required notice;
- hold an "Open House", preferably in a location within the study area, to inform the public on the proposals set out in this study;
- hold a Public Meeting of the Planning and Development Committee for the purpose of obtaining public input into the proposals;
- hold a final meeting of the Planning and Development Committee to approve the final recommendations as a result of public input (this may be combined with the public meeting noted above, depending on the nature of the public input); and,
- City Council endorses the final recommendation and the appropriate actions to be undertaken (i.e., initiate appropriate Official Plan amendment, etc.)

It is anticipated that this process, from the first to last steps noted above, will take approximately two to three months.

CF:CS
0121P

TABLE II

Implementation Strategy - Design Improvements

<u>Location and Existing Land Uses</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)*</u> <u>Short Term</u>	<u>Long Term</u>	<u>Comments</u>
North of QEW - Confederation Park and Industry (Lang Foods)	Open Space and Extended Highway Commercial	Landscaping, plantings and lawn, signs at entrance to Confederation Park	Additional landscaping for new tourism uses and industry (H)	Further unique design features at park entrance (M); sidewalks (H)	Future hotel and tourist information centre to be appropriately landscaped. Economic Development and Planning Departments.
Both sides of Centennial: QEW and Interchange lands - Highway overpass	Open Space	Natural woods and lawn	Flags and banners on MTO lands (M)	Sidewalks (H)	"Welcome to Hamilton" theme to be incorporated To be co-ordinated with MTO.
West Side: QEW to Rail Bridge - Hotels and Plaza	Extended Highway Commercial	Attractive plantings, on hotel and plaza sites	Additional landscaping on vacant land (M); flags and banners (L)	Tourist redirection or orientation area (M)	Possible shared use of parking areas for tourist redirection to Regional tourist information centre.
East Side: QEW to Rail Bridge - Industry (Maxman)	Business Park/Commercial	Few trees or shrubs, closed fence unattractive	Additional landscaping, especially trees and shrubs, to block views of industry (H)	Sidewalks (H)	Site plan control for redevelopment to be undertaken by Planning Department
Both Sides: Rail Bridge and slopes to north and south of bridge	Business Park/Commercial and Light Industrial	Bridge narrow, requires maintenance, acts as psychological barrier; slopes have untidy grass and weeds.	Improvements to bridge, such as cleaning, painting and adding graphics (H+); extensive planting on slopes (H+).	Widening of bridge (M); sidewalks (H)	Design competition to be used to refine approach for design. Themes: Gateway; "Welcome to Hamilton". Planning Dept. in conjunction with Engineering, and CNR as necessary.

* Note: Categories for priorities - L = Low; M = Medium; H = High; H+ = Very High.

Table II Continued

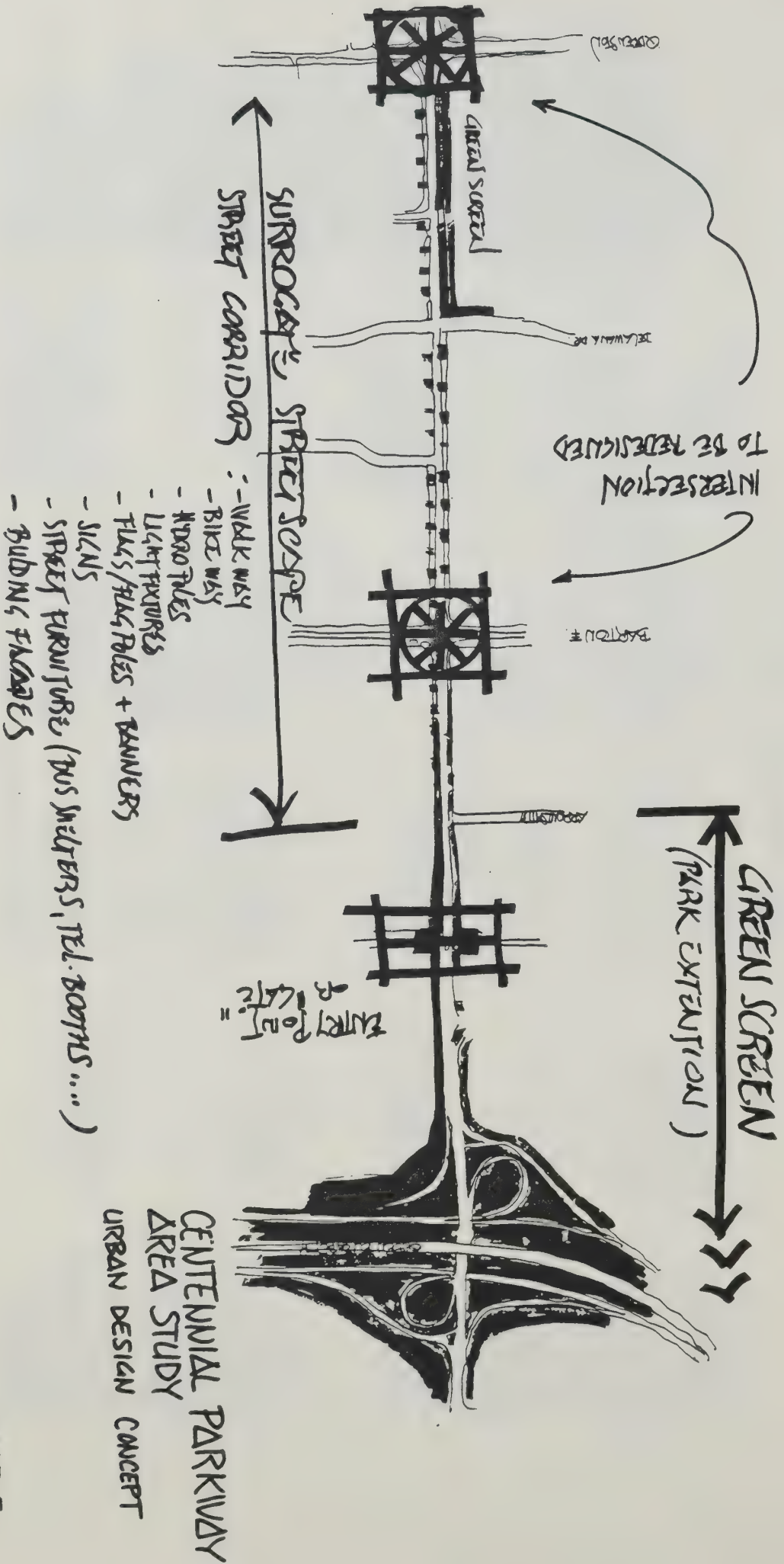
Implementation Strategy - Design Improvements

<u>Location and Existing Land Use</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)</u> <u>Short Term</u>	<u>Long Term</u>	<u>Comments</u>
West Side: Delawana Drive to Queenston Road - Eastgate Square Shopping Centre	Sub-Regional Centre	Attractive landscaping - boulevard with grass and trees; existing sidewalks	Additional shrubs (L)		The existing design is good. Perhaps slightly more trees or shrubs could be provided. Planning Department and property owners.
East Side: Delawana Drive to Queenston Road - Strip plazas	Extension of Sub-Regional Centre, including retail and offices	Very little landscaping, no sidewalks	Continuous co-ordinated urban landscape, by provision of street furniture, etc. (M); Some additional green landscaping (L).	Sidewalks (H)	Site plan control. Eliminate car parking closer to roadway. Planning Department, property owners, and By-law enforcement.
Queenston Road	Sub-Regional Centre	Standard four-way intersection		Redesign of intersection, e.g. design features of corners, arch or gate;	Queenston Road is a major point of departure which merits special landmark (as Barton St.). Design competition to refine approach. Planning and Engineering Departments.
Overall Study Area			Design guidelines to guide Zoning By-laws and Site Plan Control process. Zoning by-law amendments to regulate design. Site Plan Control. Design competition to determine details of special features; e.g., intersection improvements.		Planning and Engineering Departments to undertake preparation of guide- lines, and coordinate design competition.

TABLE II Continued

Implementation Strategy - Design Improvements

<u>Location and Existing Land Uses</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)</u> <u>Short Term</u>	<u>Long Term</u>	<u>Comments</u>
Both sides of Centennial: Rail Bridge to Arrowsmith Road - Industry and vacant land	Business Park/Commercial and Light Industrial	Untidy grass and weeds on side slopes; open fence allows views of outdoor storage for industry.	Extensive planting on slopes (H+); closed fence on west side (H)	Sidewalks (H)	Same landscaping treatment as north of Rail Bridge for slopes; site plan control. Planning and Engineering Departments.
Both sides: Arrowsmith Road to Barton Street - Mixed highway commercial uses	Extended Highway Commercial	Some properties are well landscaped, others lack landscaping, especially green plantings	Generous green plantings to be provided in a continuous fashion (H)	Sidewalks (H)	Site plan control for new development. Planning Department, private owners.
Barton Street - Intersection with Centennial	Extended Highway Commercial	Standard four-way intersection		Redesign of intersection, e.g. design features on corners, arch or gate (M).	Barton Street is a major point of departure which merits special landmark. Design competition to be used to refine design approach. Planning Department.
Both Sides: Barton Street to Delawana Drive except minor intersections - Mixed highway commercial uses	Extended Highway Commercial	Some well landscaped properties with trees and shrubs; others lack any landscaping.	Coordinated urban streetscape to be provided by provision of street furniture; banners, utilities, etc. (M); some additional landscaping (L).	Sidewalks (H)	Site plan control to be required; eliminate car parking on road allowances. Planning Department and By-law enforcement.
Both Sides: Barton Street to Delawana Drive at minor intersections - Mixed highway commercial uses	Local Commercial	Most properties have minimal landscaping, few are presently used for local commercial purposes.	Spot improvements to landscaping for existing uses (M)	With redevelopment for local commercial, appropriate plaza design and landscaping to be incorporated (M); sidewalks (H)	Site plan control Local improvements Planning and Engineering Departments, private property owners.



FOR ACTION

19a.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 05
COMM FILE:
DEPT. FILE: P5-4-7-9

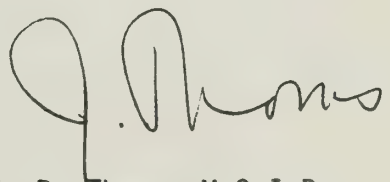
SUBJECT:

Central Area Plan Implementation Committee - New Members

RECOMMENDATION

That the attached updated and Central Area Plan Implementation Committee list of members be accepted and approved.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

On Wednesday, March 29, 1989, the Planning and Development Committee approved Terms of Reference and a list of members for the Central Area Plan Implementation Committee (CAPIC). The Terms of Reference require that changes in membership be submitted by CAPIC to the Planning and Development Committee for approval.

The resignation of John Nolan and David Cohen has left positions open for a representative from the Chamber of Commerce and a representative from the Corktown neighbourhood. As well, there has not been a representative from the Beasley neighbourhood on CAPIC. The Chamber of Commerce has nominated Diane Brown to represent them on CAPIC. Francois Roesch and Helen Nemeth are two citizens who have volunteered to represent Corktown and Beasley neighbourhoods, respectively.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

MEMBERS

Alderman David Christopherson (Chairperson) - Planning and Development
Committee

Reverend Charles Forsyth (Vice-Chairperson) - First Place

Mark Boyak - Hamilton Real Estate Board

Francois Roesch - Corktown-Stinson Neighbourhood Association

Gloria DeSantis - Social Planning and Research Council

Russell Elman - Durand Neighbourhood

Gabriel Etele - Downtown Business Improvement Area

John Eyles - McMaster University

Ozzie Ferguson - United Senior Citizens

Arthur Lomax - Hamilton Automobile Club

Kay Nolan - Hamilton-Wentworth Roman Catholic School Board

Bruce Rankin - Hamilton Society of Architects

Gil Simmons - North End Neighbourhood

Trustee Anne Stewart - City of Hamilton

Ken Stone - Hamilton and District Labour Council

Marvin Wasserman - King East Business Association

Diane Brown - Hamilton and District Chamber of Commerce

Helen Nemeth - Beasley Neighbourhood

May 1989

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

P5-4-7-9

June 7, 1989

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee
City Clerk's Department
City Hall, Hamilton

Dear Mrs. Reeder:

Re: Future Use of the Health Building Site - 74 Hunter Street East

On March 28, 1989, City Council adopted the following recommendation of the SEVENTH Report of the Co-ordinating Committee:

"That the Health Building site on the north side of Hunter Street between Hughson Street South and James Street South be designated for future parking to service the GO Terminal at the T.H. & B. site and the James Street South area."

CAPIC discussed this resolution at its April 28, 1989 regular meeting and believes it to be an inappropriate use of the site on two grounds:

1. A multi-level parking facility at this location will encourage commuters to drive downtown rather than take transit; and,
2. A mixed-use development exhibiting quality architectural design integrated with an overall urban design concept for the GO Terminus project would be a better use for the site.

Central Area Plan Policy 4.8.7 encourages parking facilities in the downtown core in accordance with four provisions, including the provision that "...Major parking facilities should be located and arranged so as to minimize through traffic and reduce congestion." The T.H. & B. station is intended to serve primarily those commuters who take transit or who are dropped off; commuters who choose to park and ride are expected to use the Waterdown GO station, as set out in recommendation (f) of City Council's June 28, 1989 resolution on GO Rail, attached. As noted in CAPIC's March 21, 1988 report to the Planning and Development Committee:

"...all day commuter parking at no charge or low rates, particularly at the CP (T.H. & B.) station, is unrealistic and not desirable since it will use space which is at a premium for other purposes and add to the congestion in the downtown and nearby neighbourhoods. The Waterdown Station should be designed to provide adequate commuter parking as soon as the rail terminus is opened and for future expansion."

As such, a multi-level parking facility designed primarily to service the GO terminus with commuter parking space is contrary to already established City policy.

With regard to point number two, Central Area Plan policy 4.9.1.8 states: "The design of development in key locations in the Central Area should be given particular design attention...". The Health Building site is such a key location since recommendation (h) of City Council's June 28, 1988 resolution requires:

"That, the new terminus be of a high quality design, and that the Urban Design Committee be requested to:

- 1) review any proposed CP station development with participation by the public; and,
- 2) prepare guidelines for development in the area surrounding the CP station with participation by the public.

The Urban Design Committee is working on a design solution for the GO terminus and surrounding area including the Health Building site, as requested by the Planning and Development Committee and authorized by City Council.

The Health Building site will be one of the first things a commuter will see upon arrival at the Hamilton GO station. If the Health Building site is to be redeveloped, it should be as a mixed-use project that includes commercial, residential and parking uses, exhibiting a high standard of architectural design. An open design competition would be one way to achieve this goal.

Yours truly,

Charles Forsyth
CAPIC Vice Chairman

MEH/dkp

WP 0149P

FOR ACTION

20.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

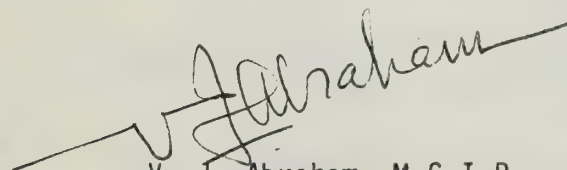
DATE: 1989 May 17
COMM FILE:
DEPT. FILE: P5-2-6

SUBJECT

Neighbourhood Plan Review, North-West Corner of Upper Gage Avenue and Rymal Road East, Eleanor Neighbourhood.

RECOMMENDATION

That the Planning and Development Committee authorize a public meeting to discuss the proposed land use options for the north-west corner of Upper Gage Avenue and Rymal Road East, Eleanor Neighbourhood.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Zoning Application History

- May 28, 1987 - Mr. Silvestri of 989A Fennell Avenue East, Hamilton applied for a zoning change for multiple dwellings (ZA-87-65). This and other zoning applications are indicated in Map 1.
- September 24, 1987 - Mr. Harnden of 117 Holstein Drive, Ancaster and Mrs. Anderson of 1626 Upper Gage Avenue applied for a zoning change for multiple dwellings (ZA-87-112).

- February 24, 1988 - The Planning and Development Committee considered the zoning applications (ZA-87-65 and ZA-87-112) and denied the development of the subject lands for multiple dwellings. The Committee further directed that the Planning Department review the proposed land use for the portion of the Eleanor Neighbourhood affected by the zoning applications.
- November 8, 1988 - Mr. J. A. Parente on behalf of Jerome Calzonetti, 867 Rymal Road East, Hamilton applied for a zoning change for 829, 837, 845 and 867 Rymal Road East for Commercial. The application is on hold until the Neighbourhood Plan Review is complete.

Neighbourhood Plan

The Eleanor Neighbourhood Plan was adopted by Council after a comprehensive review in November 27, 1973.

ANALYSIS

In early 1989 the Department reviewed the subject area and noted:

- o There are existing single family dwellings to the north.
- o There is a single family development in progress to the west.
- o There is a large vacant area to the east (17.00 acres) designated for commercial in Templemead Neighbourhood.
- o There is a rental development of 87 townhouses to the south of Rymal Road in the Broughton West Neighbourhood.
- o There is a condominium development of 63 townhouses to the southeast in the Broughton East Neighbourhood.

Map 2 shows a composite of the neighbourhood plans for the area.

In the subject area there is a commercial use (Cal's Road House Restaurant) at the corner of Rymal Road East and Upper Gage Road. Most of the remainder of the land is occupied by older houses on larger lots.

The site slopes gently from the north to the south.

Ownership is shown on Map 3.

There are some mature trees at the front of the houses on Rymal Road East and Upper Gage and on 1630 Upper Gage.

Planning Principles

1. Commercial sites are available nearby. The existing commercial area should remain or be slightly expanded for convenience goods, e.g. variety store.
2. The site is at the edge of the neighbourhood and is suitable for higher densities of residential use, e.g. townhouses and apartments. However, the impact of the higher density development on lower density development should be minimized by screening, landscaping and massing of the buildings. Buildings should not be higher than about three stories abutting single family or more than about 6 stories (approximate height of largest trees) on the site.

A range of options has been developed. See Maps 4 to 7.

Map 4 - Current Policy - Medium density apartments and retention of commercial.

Map 5 - Option A - Single and double, attached housing and enlarged commercial.

Map 6 - Option B - Attached housing, medium density apartments and retention of commercial.

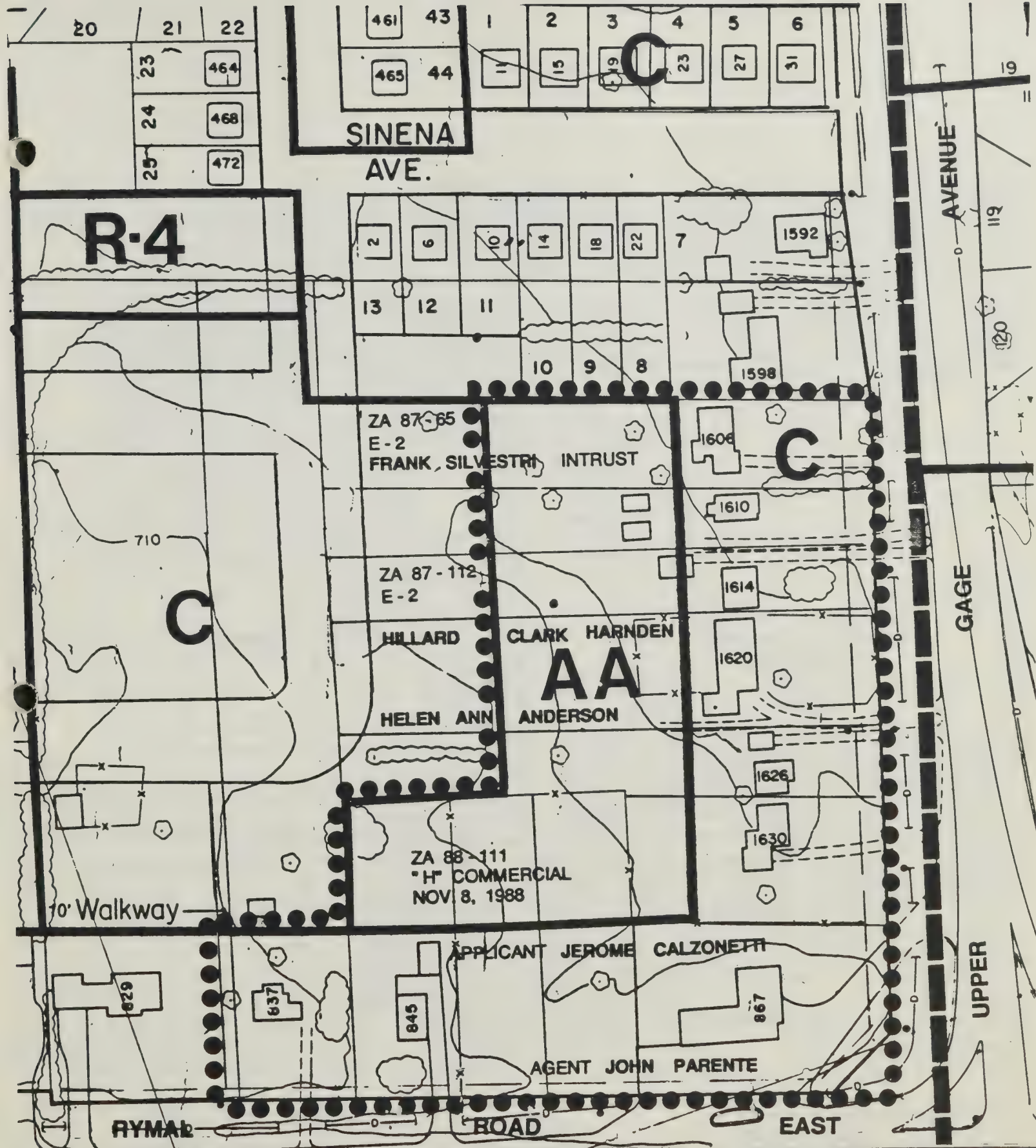
Map 7 - Option C - Single and double, attached housing, medium density apartments and enlarged commercial.

CONCLUSION

A public meeting should be held to obtain input from affected citizens and property owners on the options. Following the review of all submissions, a recommended plan will be forwarded to the Planning and Development Committee for consideration.

GG/DG:dkp

WP 0055P



City of Hamilton
Neighbourhood Location

LOCATION OF ZONING APPLICATION

- ZA 87 - 65 to 'E2' APARTMENTS
- ZA 87 - 112 to 'E2' APARTMENTS
- ZA 88 - 111 to 'H' COMMERCIAL

Land Use

Residential	Non-Residential
<input type="checkbox"/> Single and Double	<input type="checkbox"/> Commercial
<input type="checkbox"/> Attached Housing	<input type="checkbox"/> Industrial
<input type="checkbox"/> Low Density Apartments	<input type="checkbox"/> Civic and Institutional
<input type="checkbox"/> Medium Density Apartments	<input type="checkbox"/> Park and Recreational
<input type="checkbox"/> High Density Apartments	<input type="checkbox"/> Open Space
<input type="checkbox"/> Commercial and Apartments	<input type="checkbox"/> Utilities

● ● LAND USE REVIEW AREA

Note: This is a guide plan only and is subject to change. For details consult the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

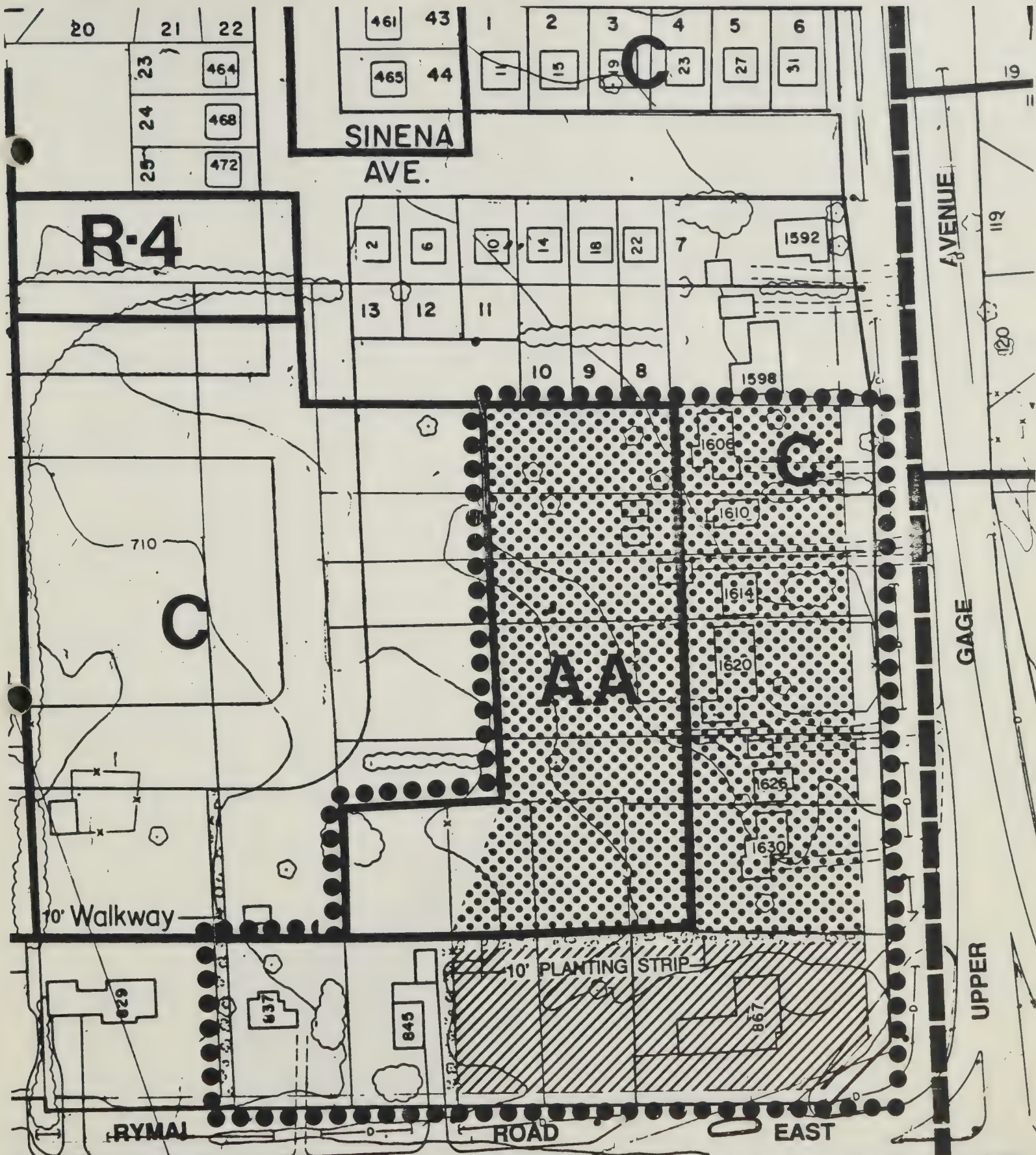
- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Latest Map Amendment
- Approval: Planning Comm. Council

ZONING APPLICATION

PROPOSED PLAN



Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth



City of Hamilton
Neighbourhood Location



MAP 5

Land Use

Residential

- Single and Double
- Attached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Commercial and Apartments

● ● LOW USE REMAIN AREA

Non-Residential

- Commercial
- Industrial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities

Note: This is a guide plan only and is subject to change. For details contact the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary

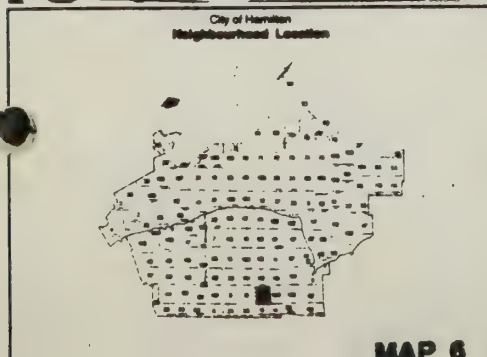
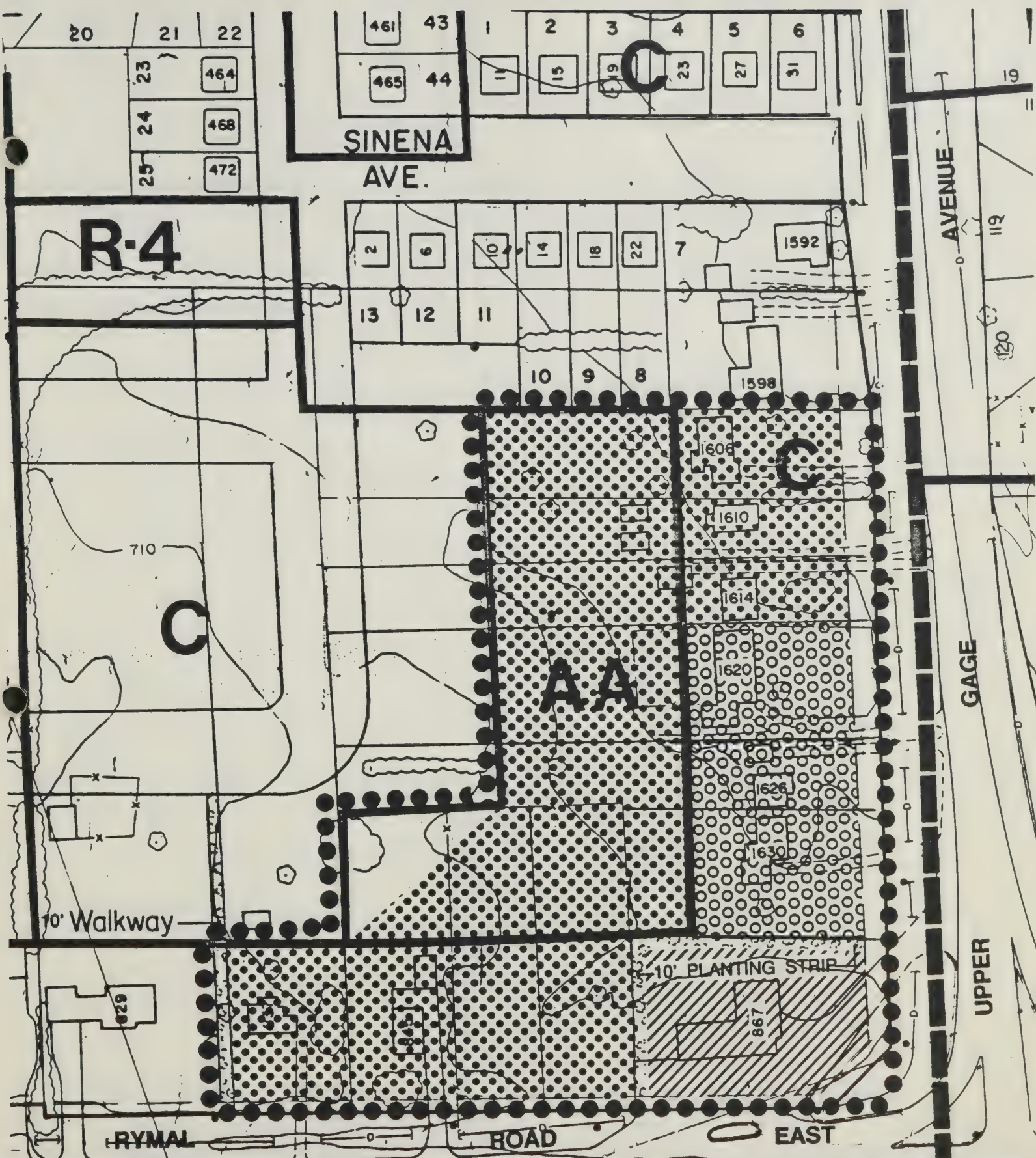
Approvals:
Planning Comm.
Council

Latest Map Amendment

OPTION A PROPOSED PLAN



Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth



Land Use	
Residential	Non-Residential
Single and Double	Commercial
Attached Housing	Industrial
Low Density Apartments	Civic and Institutional
Medium Density Apartments	Park and Recreational
High Density Apartments	Open Space
Commercial and Apartments	Utilities
● ● LAND USE REVIEW AREA	

Note: This is a guide plan only and is subject to change. For details contact the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

Legend:

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Latest Map Amendment

Approvals:

- Planning Comm.
- Council

OPTION B
PROPOSED PLAN

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth

FOR ACTION

21.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 30
COMM FILE:
DEPT. FILE: P5-7-4

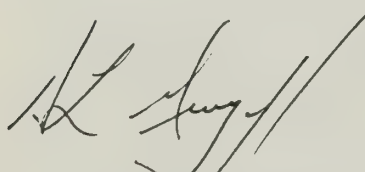
SUBJECT:

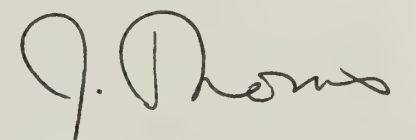
Proposed Provincial Policy Statement on Wetlands.

RECOMMENDATION

The Planning and Development Committee recommend to Council:

- a) That the Ministers of Municipal Affairs and Natural Resources be advised that:
 - 1) the City of Hamilton supports in principle, the proposed Province of Ontario Policy Statement on Wetlands; and,
 - 2) the policy statement be revised to:
 - i) include reference to the conservation authorities participation in wetland management; and,
 - ii) define and/or provide examples of "compatible development", "unreasonable uses" and "lands adjacent to" provincially significant wetlands.
- b) That the Clerk be requested to so advise the Ministers of Municipal Affairs and Natural Resources and the Association of Municipalities of Ontario.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Ministries of Natural Resources and Municipal Affairs have requested the City's comments on the Province's draft Wetlands Policy Statement. The comments, along with those of other Ontario municipalities, will be reviewed prior to forwarding the final Policy Statement for Cabinet approval.

REPORT

1.0 Background

The Ministries of Natural Resources and Municipal Affairs have requested the City's comments on the Province's draft Wetlands Policy Statement. These comments, along with those of other Ontario municipalities, will be reviewed by the Ministries prior to forwarding the final Policy Statement for Cabinet approval.

2.0 Summary and Comments of the Draft Policy Statement on Wetlands

Wetlands are defined as "areas with shallow standing water (less than 2 metres deep), until about July 1, in most years. They are divided into four major categories: swamps, marshes, bogs, and fens".

Wetlands are considered important on a provincial basis because they:

- maintain and improve water quality;
- help control flooding;
- provide habitats for fish and wildlife, including several threatened and endangered species; and,
- contribute substantial social and economic benefits, including a source for such products as fur, wood, and wild rice.

In general, the draft policy statement requires all municipalities to identify and protect provincially significant (Class I and Class II) wetlands in the context of local land use planning objectives. In addition, any new uses permitted on or adjacent to provincially significant wetlands should be compatible with the wetland, so that wetland values are maintained or improved. Lastly, Class III to VII wetlands may be identified in planning documents, and protected in a manner deemed appropriate by municipal authorities.

From a planning perspective, Official Plans must:

- identify and protect provincially significant wetlands; and,
- contain policies which:
 - specify information required and matters to be considered by a municipality when evaluating development proposed on or adjacent to provincially significant wetlands; and,

- identify planning mechanisms required to give effect to these policies.

Further, zoning by-laws must place provincially significant wetlands in a restricted zoning category permitting only wetlands and compatible land uses.

The draft policy statement includes criteria for justification of land use compatibility. The criteria are to apply to all development proposals on or adjacent to provincially significant wetlands to determine compatibility with the affected wetland.

The draft policy statement proposes policies specifically applicable to constructing public facilities on or adjacent to wetlands. Public facilities include transportation, communication, sanitation and similar facilities being considered under the Environmental Assessment Act, Ontario Energy Board Act and other applicable legislation.

In reviewing the draft policy statement in general terms, there are two specific concerns that should be highlighted:

- the draft policy statement utilizes several vague and undefined terms such as "compatible development", "unreasonable uses" and "lands adjacent to" provincially significant wetlands. These terms should be clarified by using examples or be properly defined; and,
- the draft policy statement does not directly address the role of conservation authorities in protecting wetlands through flood and fill regulations, and land acquisition (amongst others).

3.0 Existing Planning Controls - Provincially Significant Wetlands in Hamilton

The Ministry of Natural Resources has identified two provincially significant wetlands within the City:

- Cootes Paradise - Class I; and,
- Van Wagner Marsh - Class II.

3.1 Official Plan

The following is a discussion on the existing Official Plan and zoning provisions applicable to these two areas as defined on the attached map (Map 1).

In Cootes Paradise, the area covered by water is designated "Open Water" and is subject to Policy A.2.5.2 which states that "the preferable uses of Cootes Paradise are for aesthetic, ecological and scientific activities". Lands abutting the area covered by water in Cootes Paradise and all of Van Wagner's Marsh are designated "Open Space" and subject to the provisions of Subsection A.2.4 - Open Space. Permitted uses in an Open Space designation include "hazard lands which may pose a threat to life and property because of inherent physiographic characteristics".

Schedule "B" shows Cootes Paradise (water and adjacent lands) in Special Policy Area 2 which is in the Parkway Belt West Plan approved by the Province. The policies recognize that the provisions of the Parkway Belt West Plan prevail over all policies of the City's Official Plan. The Parkway Belt West Plan designates Cootes Paradise as "Public Open Space and Buffer Area" which limits uses to those existing; transportation and communications corridors; and public and private open space and recreational uses.

Schedule "B" identifies Van Wagner's Marsh as Special Policy Area 10, which requires a study to be undertaken to formulate a master plan for the whole Beach Strip area. Since this work has been completed, Council adopted Official Plan Amendment No. 62 deleting the entire Beach Strip from Special Policy Area 10. This Amendment is currently at the Region awaiting final approval.

Lands adjacent to the water area of Cootes Paradise and all of Van Wagner's Marsh are within the Hazard Lands designation as shown on Schedule "C". The Hazard Lands policies recognize these areas "as having inherent environmental hazards". It further provides "that there should be no encroachment of development or major landscape alterations" on Hazard Lands.

The water area and adjacent lands to Cootes Paradise are within Royal Botanical Gardens, Cootes Paradise Environmentally Sensitive Area, and all of Van Wagner's Marsh is within the Environmentally Sensitive Area known as Red Hill Creek, Van Wagner's Marsh as shown on Schedule "D" of the Official Plan. The policies relating to Environmentally Sensitive Areas states that these areas "will be preserved in a natural or undisturbed state" and the primary permitted uses are limited to "open space, undeveloped parks, public or private recreational uses, conservation uses and those uses existing at the time of the approval of the Regional Official Plan." In addition, should an application be received for development or redevelopment of lands within an Environmentally Sensitive Area, the proponent is required to undertake a Feasibility Study and Impact Analysis by a qualified professional, or request a waiver from this requirement. The waiver request must have the concurrence of the Regional Council, and consultation with other agencies must be sought.

3.2 Zoning

The City's Zoning By-law (Section 4(1)) prohibits the erection "of a building or structure for residential or commercial purposes on land where by reason of its low-lying, marshing or unstable character" throughout the City.

For the most part, the water surface and adjacent lands of Cootes Paradise are zoned "A" (Conservation, Open Space, Park and Recreation) District.

Van Wagners Marsh falls within several zones, including "KK" (Restricted Heavy Industrial), "K" (Heavy Industry), "F" (Special Waterfront), "AA" (Agricultural) and "AA"/S. Approximately half the wetland is zoned for industrial uses, and most of the balance is zoned "F". Only small portions are zoned "AA" and "AA" Special.

4.0 Implications of the Draft Policy Statement

The City's Official Plan designates both wetlands "Open Space", places them in a Special Policy Area, and identifies them as Hazard Lands and Environmentally Sensitive Areas. The policies, provisions and requirements in the Plan are felt to more than adequately meet the intent of the draft policy statement.

The applicable zoning for the Cootes Paradise area ("A" District) is relatively limited in its permitted uses, whereas the "F" and "K" zonings of Van Wagner's Marsh permits a variety of industrial and commercial uses. Notwithstanding, case law has established that building permits will not be issued if the zoning does not comply with the Official Plan, so development based on the existing zoning in this area could not take place. In any case, the restricted zoning as proposed by the draft policy statement is consistent with existing Official Plan policies for these areas. On this basis, it would be appropriate to rezone these lands to a restrictive zoning district. At present, the "A" (Conservation, Open Space, Park and Recreation) District is the most restrictive zone limiting uses to public and private forests; wildlife reservations; conservation areas; areas for hiking, picnicking, skiing or other such outdoor sports; cemeteries and related uses. The application of this zone, or the creation of a new zoning district specifically for wetlands, should be considered should this draft policy statement be endorsed by the Province.

5.0 Conclusions

In principle, the Province's draft policy statement on Wetlands can be supported. The City's Official Plan recognizes and protects the two Provincially significant wetlands in a manner consistent with the draft policy statement. Suggested changes to the zoning by-law for restricted zoning of wetlands can also be supported.

There are, however, two areas mentioned previously which should be addressed by the Ministries of Natural Resources and Municipal Affairs:

- clarifying/defining certain terms; and,
- recognizing the conservation authorities contribution to wetland management.

On this basis, the Clerk should be requested to advise the Ministries of Municipal Affairs and Natural Resources.

CF

CF:cs/dkp
Attach.

WP 0021P



January 13, 1989

To: All Municipalities

**DRAFT POLICY STATEMENT ON WETLANDS
UNDER THE PLANNING ACT**

We are pleased to enclose a copy of the draft Wetlands Policy Statement for your information and comment.

This policy statement outlines Provincial policy on wetlands planning as it relates to the land use planning process.

The Planning Act provides the legislative basis for the province to issue formal policy statements on matters of land use planning. Such statements are to deal with matters that relate to the Province's responsibility for protecting the overall public interest. Municipalities, planning boards, provincial ministries and public agencies are all to "have regard to" policy statements in carrying out their planning responsibilities.

The draft Wetlands Policy Statement is now being released for public comment, as required by the Planning Act. Upon the review of comments, appropriate changes will be made to the policy statement before being forwarded to Cabinet for formal approval.

Comments will be welcomed until June 1, 1989 and copies of these comments should be forwarded to:

(1) Ministry of Municipal
Affairs
Office of Local
Planning Policy
13th Floor
777 Bay Street
Toronto, Ontario
M5G 2E5

(2) Ministry of Natural
Resources
Wildlife Branch
Room 4620
Whitney Block
99 Wellesley Street W
Toronto, Ontario
M7A 1W3

All comments received will be reviewed by both the Ministry of Natural Resources and the Ministry of Municipal Affairs.

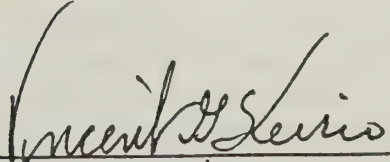
Municipalities are asked to send a copy of their comments to the Association of Municipalities of Ontario, so that AMO may provide the Province with an overall municipal perspective on the statement. The copies should be sent to:

Heather Bell
Planning Co-ordinator
Association of Municipalities of Ontario
Suite 805
100 University Avenue
Toronto, Ontario
M5J 1V6

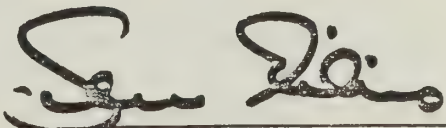
Also enclosed is a guideline document prepared to assist in the detailed implementation of the policy statement. It should be noted that the guidelines support the policy statement but are not part of it. It is the policy statement that outlines proposed provincial direction on wetlands planning and the land use planning process, and as such, ultimately requires the approval of Cabinet before coming into effect.

Your input will be important to the final review of the draft policy statement. We look forward to receiving your comments.

Yours sincerely,



Vince Kerrio
Minister
Natural Resources



John Eakins
Minister
Municipal Affairs

Encs.



POLICY STATEMENT

Wetlands

**A proposed policy statement
of the Government of Ontario
issued for public review**

Vincent G. Kerrio
Minister of
Natural Resources

John Eakins
Minister of
Municipal Affairs

IMPORTANT

This proposed statement has not yet been finally approved by the Provincial Cabinet.

It is being circulated for public review and comment, as required by the Planning Act. All comments received will be considered by Cabinet enabling revisions to be made to the policy before it is finally approved.

Copies of comments on the proposed policy should be sent to:

Ministry of Municipal Affairs
Office of Local Planning Policy
13th Floor, 777 Bay Street
Toronto, Ontario
M5G 2E5

Ministry of Natural Resources
Wildlife Branch
Whitney Block, Room 4620
99 Wellesley Street West
Toronto, Ontario
M7A 1W3

by June 1, 1989

THE PLANNING ACT 1983 — SECTION 3

3. (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.

(3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1). 1983, c. 1, s. 3.

PURPOSE

This document is prepared under the authority of Section 3 of the Planning Act, 1983 and is the Province of Ontario's policy statement on planning for wetlands.

INTERPRETATION

This Provincial Policy Statement:

- is issued jointly by the Ministers of Municipal Affairs and Natural Resources, under the Planning Act;
- does not supersede or take priority over other policy statements issued under this Act, or any other policy approved by the Lieutenant Governor in Council for any specific area of the Province;
- replaces the "Guidelines for Wetland Management in Ontario" introduced by the Minister of Natural Resources in April of 1984;
- applies to provincially significant wetlands;
- may be applied by local or regional municipalities to other wetlands of regional or local significance;
- does not apply to existing uses.

BACKGROUND

Wetlands are important to the economy of Ontario. They maintain and improve water quality, aid in flood control, provide fish and wildlife habitat and contribute substantial social and economic benefits, including selected outdoor recreational and tourism related activities.

Wetlands also contribute to the ecological diversity of the landscape and provide habitat for several threatened and endangered species. They provide protection against flooding by holding rainfall during peak periods and releasing it over the following months and are a natural buffer to protect shorelines from erosion. In addition, they are a source of numerous resource products.

Many wetlands have disappeared over the years through urban encroachment, land clearance, drainage and filling. Initial surveys indicate that only a quarter of the original wetlands remain in southern Ontario.

Despite an increasing recognition of the importance of wetlands, Ontario's wetlands continue to decline. In response to concerns voiced by individuals, groups, municipalities and others, the Province introduced the "Guidelines for Wetlands Management in Ontario" in 1984. In addition, an evaluation system was formulated which introduced a standardized methodology for identifying and classifying wetlands in order to measure wetland values. The evaluation system identifies seven different classes of wetlands.

DEFINITIONS

For the purpose of this policy statement:

- **Wetlands** mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (soils in which there is an abundance of moisture) and has favoured the dominance of either hydrophytic or water tolerant plants. The four major categories of wetland are swamps, marshes, bogs and fens.

Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be wetlands in this definition. Such lands, whether or not they were wetlands at one time are considered to have been converted to alternate uses.

- **Hydric Soils** mean soils characterized by an abundance of moisture during all seasons, to the extent that the soils are either inundated or dominated by water tolerant vegetation.
- **Hydrophytic plants** also known as hydrophytes, mean plants that commonly grow in water or in waterlogged soil.
- **Evaluation System** means "An Evaluation System for Wetlands of Ontario, south of the Precambrian Shield."
- **Compatible land uses** mean those which, when they occur on or adjacent to a wetland will maintain or improve the overall wetland evaluation score and classification, as assigned by the Evaluation System, as well as essential features of the wetland specified by the Ministry of Natural Resources.
- **Provincially Significant Wetlands** mean those wetlands classified by the Evaluation System as Class I or Class II wetlands. In areas not subject to the Evaluation System, wetland values are defined in consultation with the Ministry of Natural Resources as those which:
 - (a) contain habitats of critical importance to fish and wildlife populations (Habitats required for the maintenance of healthy fish or wildlife populations of importance to achieving provincial management objectives); and/or
 - (b) have an essential hydrological role in the watershed where they exist; and/or
 - (c) have a significant social or economic benefit.

In contrast to that area of Ontario south of the Precambrian Shield, wetlands on the Shield and the Hudson Bay lowlands are abundant and widespread. Wetlands of provincial significance in the latter areas may be identified as distinct or provincially significant with respect to the features they exhibit. An approved relative evaluation system has not been developed for this area although several different inventories of wetlands for other purposes have have initiated.

- **Regionally significant wetlands** mean those wetlands classified by the Evaluation System as Class III wetlands.
- **Locally significant wetlands** mean those wetlands classified by the Evaluation System as Class IV to VII wetlands or any unclassified wetland designated by the

BASIS OF THE POLICY

The provincial policies contained in this document have been developed based on the following objectives and principles:

- Wetlands are essential natural resources and the Province is committed to their protection.
- There will continue to be demands on wetlands for other land uses. Some of these demands may have to be accommodated and for this reason, the policy statement establishes criteria by which the need for locating land uses in and adjacent to wetlands can be fully evaluated.
- All planning authorities in Ontario will share in the responsibility for protection of wetlands.
- The protection of wetlands through this policy statement is not to interfere unreasonably with existing uses of private land either within the wetland or in surrounding areas.

POLICIES

(1) *GENERAL*

It is the policy of the Province of Ontario that:

- 1.1 All municipalities, planning boards and resource management agencies identify and protect provincially significant Class I and II wetlands within their jurisdictions in the context of local, regional and provincial land use planning objectives.
- 1.2 New land uses permitted on, or adjacent to a provincially significant wetland should be compatible with the wetland so that wetland values are maintained or improved, as defined by the Evaluation System. In Northern Ontario, where the Evaluation System does not apply, changes in wetland values will be assessed by the Ministry of Natural Resources, on a site specific basis.
- 1.3 Class III to VII wetlands may also be identified in planning documents and protected in a manner deemed appropriate by municipal authorities.

(2) *OFFICIAL PLANS*

It is the policy of the Province of Ontario that official plans:

- 2.1 Identify and protect provincially significant wetlands;
- 2.2 Contain policies, prepared in consultation with appropriate provincial agencies, which:
 - a) Specify the information required and the matters to be considered by a municipality or planning board when evaluating development proposed on or adjacent to provincially significant wetlands;
 - b) Identify the planning mechanisms required to give effect to these policies.

(3) ZONING BY-LAWS/ZONING ORDERS

It is the policy of the Province of Ontario that:

- 3.1 Provincially significant wetlands be placed in a restricted zoning category which permits only wetlands and compatible land uses;
- 3.2 In municipalities not subject to an official plan and in territories without municipal organization, provincially significant wetlands be placed in a zone which permits only wetlands and compatible land uses.

(4) CRITERIA FOR JUSTIFICATION OF LAND USE COMPATIBILITY

The following criteria for justification apply to all development proposals on or adjacent to provincially significant wetlands, and are to be used to determine compatibility with the affected wetland. It is recognized that there will be pressures on or adjacent to wetlands from competing land uses. This may take the form of urban expansion or individual development proposals.

It is the policy of the Province of Ontario that:

- 4.1 The protection of provincially significant wetlands be given primary consideration in the evaluation of any development proposal on or adjacent to those wetlands;
- 4.2 In accordance with Section 2.2, specific criteria be developed (by municipalities) to review proposals for compatibility with the affected wetland(s). These criteria should take into account the following:
 - that the total evaluation score and classification of each wetland be maintained or improved;
 - that essential features of the wetland specified in consultation with MNR and MOE, be maintained;
 - that the proposed use will not create subsequent demand for measures which will reduce wetland values;
 - that the proposed use is compatible with conservation practices already established for the wetland.
- 4.3 Where the use of the land on or adjacent to the wetlands has been justified, in accordance with the above criteria, the development should be carried out in a manner which will minimize its impact on the affected wetland.

(5) POLICIES FOR CONSTRUCTING PUBLIC FACILITIES ON OR ADJACENT TO WETLANDS:

It is the intent of the Provincial government that priority be given to the protection of provincially significant wetlands when proposals to construct transportation, communication, sanitation and other such public facilities are being considered under the provisions of the Environmental Assessment Act, The Ontario Energy Board Act and other applicable legislation.

In this regard, it is the policy of the Province of Ontario that:

5.1 Where public facilities are proposed for construction on or adjacent to provincially significant wetlands, the use of these lands be justified according to the following:

- that the total evaluation score and classification of each wetland be maintained or improved;
- that essential features of the wetland specified in consultation with MNR and MOE, be maintained;
- that the proposed use will not create subsequent demand for measures which will reduce wetland values;
- that the proposed use is compatible with conservation practices already established for the wetland.

5.2 Where the use of these or adjacent lands for constructing a public facility is justified, siting, construction, and operation of the facility should be carried out in a manner which will minimize the impact of the facility on these wetlands.

IMPLEMENTATION

In exercising any authority that affects a planning matter, the council of every municipality, every local board, every Minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, shall have regard to this policy statement as required under section 3 of the Planning Act.

The Ministry of Natural Resources, within the context of its mandate will:

- Provide wetland mapping to municipalities on request. Where no existing mapping is available, MNR will undertake such mapping on request.
- Provide pertinent available wetland information and technical assistance, to any government body or local planning authority, agency or individual, to assist in the identification and protection of wetlands.
- Provide comments to planning review and approval agencies on proposed planning actions that may have implications for the protection of the wetland.
- Will prepare and make available the associated Implementation Guidelines in conjunction with the Ministry of Municipal Affairs for this policy statement.
- Prepare and make available advisory material on wetland management programs.
- Undertake research programs to investigate a wide array of wetland topics.
- Make representation or provide technical expertise to the Ontario Municipal Board or other appeal body, where a planning matter related to this policy statement may be at issue.

- Inform landowners and the general public on the values of wetlands and provide information on wetland management.
- Encourage owners of land containing provincially significant wetlands to protect those wetlands from incompatible uses.
- Encourage the management of land adjacent to wetlands in a manner compatible with the conservation of the wetland area.
- Qualify individuals wishing to evaluate wetlands in accordance with the Evaluation System.
- Consult with other ministries, public agencies, boards, authorities and municipalities on matters pertaining to wetland resources, as may be appropriate.

The Ministry of Natural Resources and the Ministry of Municipal Affairs will jointly administer this policy statement as well as advise and explain its content and application to municipalities and other planning agencies.

Other Ministries and agencies having an interest in wetlands (e.g.: the Ministry of Agriculture and Food and Ministry of Environment) will provide input to the planning process as appropriate.

Existing approved official plans and zoning by-laws shall be considered with regard for this policy statement at such time as they come up for review.

For further information contact:

MINISTRY OF NATURAL RESOURCES:

Wildlife Branch

Whitney Block, Room 4620
99 Wellesley Street West
Toronto, Ontario
M7A 1W3
(416) 965-7641

MINISTRY OF MUNICIPAL AFFAIRS:

Office of Local Planning Policy

777 Bay Street
13th Floor
Toronto, Ontario
M5G 2E5
(416) 585-6230

Additional copies of this publication may be obtained from the local offices of the Ministry of Natural Resources or the Ministry of Municipal Affairs (Community Planning Advisory Branch).



THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from M. DIMILLO, prospective owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property at No. 35 Rymal Road West, as shown on the attached map.

The purpose of the proposed change in zoning is to permit the construction of a 3-storey commercial building containing general office and retail space.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in the Council Chamber, City Hall on Wednesday June 14, 1989 at 3:00 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For Inquiries, please call
Planning and Development Department
City Hall 526-4445

/ma
May 26, 1989

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Kennedy East Neighbourhood Plan.
3. The proposal can be supported for the following reasons:
 - it implements the commercial designation of the Official Plan and approved Kennedy East Neighbourhood Plan;
 - it would be compatible with existing and future intended commercial development along Rymal Road West; and
 - the requested zoning would be consistent with other commercially zoned lands in the surrounding area.
4. The subject lands abut a residential zoning district to the south. As such, in order to properly buffer and screen the proposal from adjacent residents, a visual barrier of not less than 1.2 m (3.94 ft.) and not more than 2.0 m (6.56 ft.) high should be provided and maintained along the southerly lot line. In addition, the "HH" District provisions of Zoning By-law 6593, require that a rear yard setback of a depth of at least 6.0 m (19.69 ft.) be provided. Accordingly, within this setback, the applicant should be required to provide a landscaped planting strip with a width of at least 3 m (9.48 ft.). Such a landscaped strip would mitigate any possible adverse impact of the proposal onto the adjacent residential uses.
5. The Hamilton-Wentworth Engineering Department has advised that a strip of land 4.8936 m must be dedicated to the Region for road widening purposes. In addition, the Department has suggested that the applicant should be aware that access to the property may be restricted to right turn in and right turn out only, and that there may be a requirement to contribute monies to these road works. These and other matters (e.g. access, landscaping, parking etc.) will be dealt with during the Site Plan approval stage.

CONCLUSION

On the basis of the foregoing, the application can be supported.

HY/ma
WP0217P

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" in the approved Kennedy East Neighbourhood Plan. The proposal complies.

RESULT OF CIRCULARIZATION

- The following agencies had no comment or objections:

- LACAC;
- Hamilton Region Conservation Authority; and,
- TransCanada Pipelines.

- The Department of Buildings has advised as follows:

"No plans submitted to determine compliance with the provisions of Zoning By-law No. 6593".

- The Hamilton-Wentworth Engineering Department has advised as follows:

"Please be advised that public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance of Rymal Road is 36.0 m. We recommend that as a condition of development approval, a strip of land 4.8936 m be dedicated to The Region for road widening purposes.

Any works within the Rymal Road allowance, as widened, must conform to The Regions Road Use By-law.

We recommend that these lands on the south side of Rymal Road be developed with adjacent lands for common access to Rymal Road etc.

We also note that the location and type of access to Rymal Road must be compatible with accesses to the shopping plaza on the northside of Rymal Road and the access to this property may be restricted to right in and right out. Furthermore, the applicant may be required to contribute monies to these road works should the approval of this application warrant it. These details must be finalized at the site plan stage but the applicant should be advised of these concerns now.

According to our plans, the subject lands are at the westerly end of the taper for left turns at the intersection of Rymal and James. Common access to these lands, over adjacent lands to the west will be required".

- The Traffic Department has advised that:

"In response to your letter of 1989 February 27, please be advised that we have reviewed the above-noted application and find it satisfactory. However, we would suggest that this property be developed in conjunction with the adjoining properties. This would allow for a more comprehensive development with co-ordinated parking, manoeuvring area, and driveway accesses".

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>Subject Lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District
to the south	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwelling and vacant	"C" (Urban Protected Residential, etc.) District

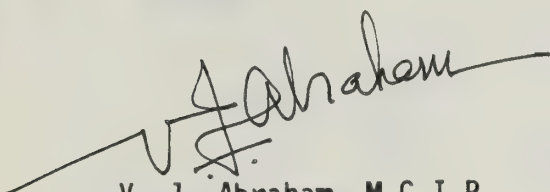
OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" on Schedule "A" Land Use Concept and identified as SPECIAL POLICY AREA 31 on SCHEDULE "B". Accordingly, the following policies will apply:

- A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce, defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31 (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

Based on the above, the proposal complies with the intent of the Official Plan.

The effect of the By-law is to permit the development of a 3 storey commercial building containing general office and retail space.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

It is the applicant's intention to construct a 3 storey commercial building containing general office and retail uses on the subject lands.

- Zoning Application 89-25

Zoning application 89-25 has been received for property at 41 Rymal Road West which is the property immediately to the west of the subject lands. The purpose of the application is to permit the development of a fully enclosed coin operated car wash and a two storey/office building that would be attached to the car wash. Accordingly, Zoning Application 89-25 is being considered at the same Planning and Development Committee meeting as is the subject application.

APPLICANT

Mory Dimillo, prospective owner.

LOT SIZE AND AREA

The subject property is a rectangularly shaped parcel of land having approximately:

- 30.48 m (100 ft.) of lot frontage along Rymal Road West;
- 60.96 m (200 ft.) of lot depth; and,
- 1858.06 m (20,000 sq.ft.) of lot area.

FOR ACTION

24.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 June 1
COMM FILE:
DEPT. FILE: ZA-89-21
Kennedy East
Neighbourhood

SUBJECT:

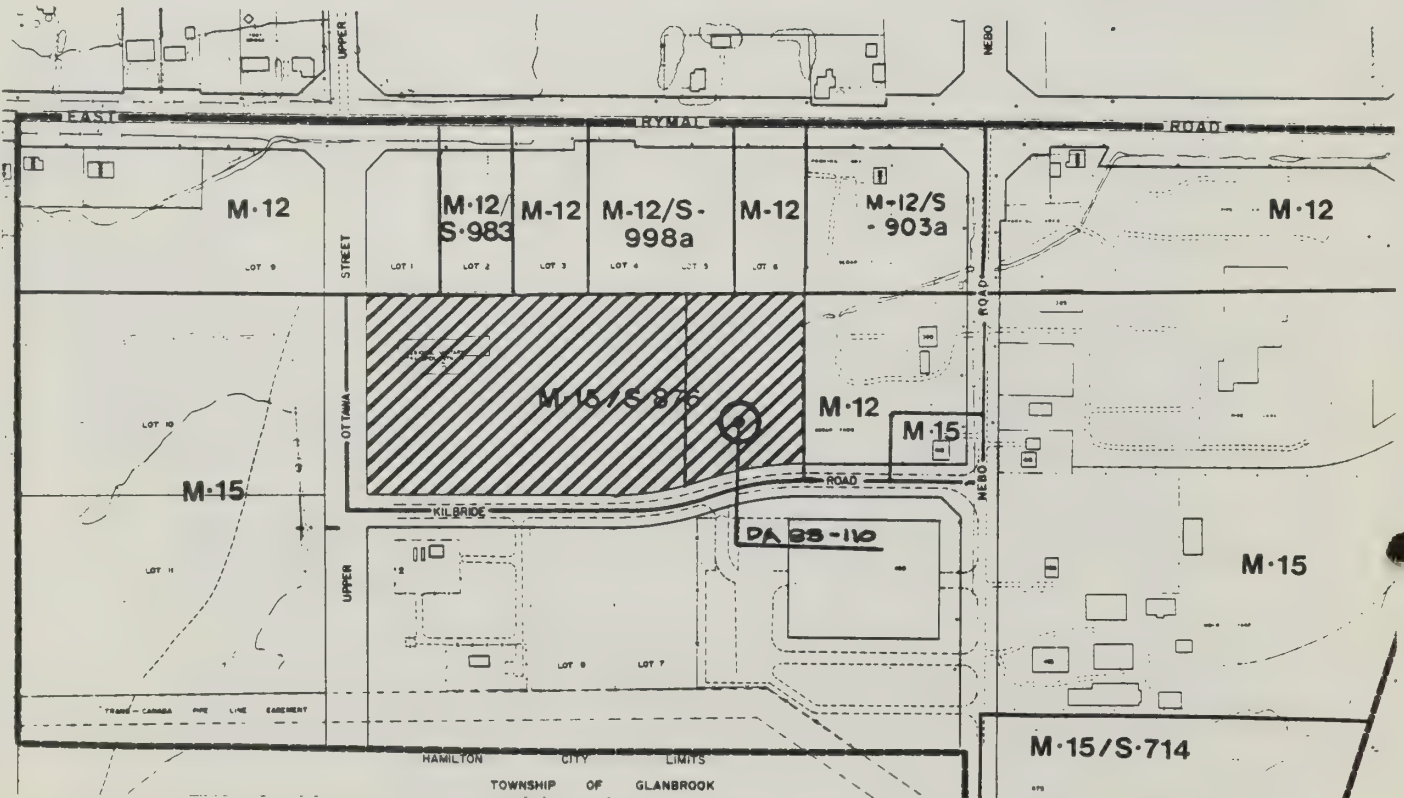
Request for a change in zoning - No. 35 Rymal Road West.

RECOMMENDATION

- (a) That approval be given to Zoning Application 89-21, Mory Dimillo, prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 35 Rymal Road West as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
 - ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - 1. That a minimum 3.0 m wide landscaped planting strip, and a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained across the entire southerly rear lot line;
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-9D and W-9E be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 35 Rymal Road West, as shown on the attached map marked as Appendix "A".



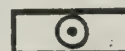
HANNON WEST NO. 64

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-88-110

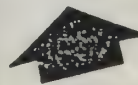
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
Sept., 1988

Reference File No.
DA-88-110

Drawing No.

COMMENT

The submitted plan should be modified to relocate the storage area as red-lined on the plan, toward the interior of the site, thereby increasing the distance from the municipal street. A visual screen must also be added to the enclosure to comply with the by-law requirements.

Although the storage area is located on the easterly portion of the property developed under Site Plan Control Application DA 83-34, minor driveway changes will occur on the westerly portion of the site developed as the transfer station under Site Plan Control Applications DA 79-05 and DA 83-49.

The site is also the subject of an "Agreement" registered on title of the land as Instrument No. 140899 CD on October 18, 1979. The registered document contains a clause which states that "waste material will not be stored outside of the Transfer Station buildings or left in the buildings overnight." It will therefore be necessary to amend this particular clause of the agreement. The applicant has agreed that an alternate provision may be included on the plan, and in the agreement, specifying that "the household hazardous waste material shall be totally removed from the site within two (2) working days following the scheduled public collection of such materials."


CONCLUSION

The proposed storage area is satisfactory subject to the above-noted comments.

J.P.S./ma:nd
WP DOC. 0420P

EXPLANATORY NOTE

Changes to the agreement registered on title for the lands located at 37 Kilbride Road, are required to permit the storage of household hazardous waste on the subject property, and to limit such storage to a maximum of two (2) working days following the scheduled public collection of such materials.



V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

At its meeting of September 20, 1988, Regional Council adopted a recommendation from the Engineering Services Committee dealing with Solid Waste Routing Strategy which included the following:

"22.iv) That the Commissioner of Engineering be authorized to initiate and evaluate the following recommendation also contained in the NCI report:

1. Refuse/sludge composting.
2. Upgrading the Household Hazardous Waste program."

The Household Hazardous Waste program is intended to rotate between the three existing transfer stations on a scheduled basis. A team of trained personnel would receive household hazardous waste from the public, categorize and properly store the materials. Once collected, a qualified disposal company would remove the material from the transfer station.

The property at 37 Kilbride Road would be modified to provide for a storage area 12.2 m x 12.2 m consisting of an asphalt surfaced area with raised edges and a chain link fence and gate to secure the area. It is intended that the sealed containers will be collected by a disposal company as soon as possible after the public collection.

COMMENTS RECEIVED

The Building Department has indicated that the chain link fence around the outside storage area does not conform to Section 2.(2)J (xxivb) of Zoning By-law 6593, and should be modified to provide a "visual barrier" around the storage area.

The Traffic and the Hamilton-Wentworth Engineering Departments have indicated that they have no comment.

FOR ACTION

23.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 19...
COMM FILE:
DEPT FILE: DA-88-110
Hannon West No. 64
Neighbourhood
(DA-83-34, DA-83-49)
(DA-79-05)

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-88-110 for construction of a storage area to accommodate sealed containers generated by household hazardous wastes, to be located at 37 Kilbride Road.

RECOMMENDATION

1. That approval be given to Site Plan Control Application DA-88-110 by the Regional Municipality of Hamilton-Wentworth Engineering Department, owners of lands known as 37 Kilbride Road to establish a storage area for household hazardous waste, subject to the following:
 - i) modification to the plans in relation to notes and dimensions as marked in red on the plans;
 - ii) provision on the plan to indicate alterations to Site Plan Control Application DA-79-05 and DA-83-49, Mountain Transfer Station;
 - iii) modification of the plan to include a note indicating that "the household hazardous waste material shall be totally removed from the site within two (2) working days following the scheduled public collection of such materials";and further;
2. That in regard to the amendment of the registered "AGREEMENT", the following resolution be forwarded to City Council for approval:

"That in regard to Site Plan Control Application DA-88-110 by the Regional Municipality of Hamilton-Wentworth, owners of the lands known as 37 Kilbride Road, that approval be given to amend the existing "Agreement", Instrument No. 140899CD, registered on Title of the land on October 18, 1979, to permit a storage area for household hazardous waste to be located on the land, and the agreement specify that household hazardous waste material shall be totally removed from the subject property within two (2) working days following the scheduled public collection of such material".

Under the amendment process, landfill proposals would be tested against the purpose and objectives of the Act as well as Section 10(5) related to justification and need.

The purpose and applicable objectives of the Act are:

"to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment",

"to maintain and enhance the quality and character of natural streams and water supplies", and

"to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery".

Based on available documented evidence to date of the environmental impacts of landfill operations, it could be argued that such uses, by their inherent nature would conflict with the purpose and objectives of the Act listed above. In addition, it seems evident that the dumping of wastes in the Escarpment area is perceived to be out of keeping with the idea of preserving a substantially natural environment. Therefore, permitting landfill operations in principle in nearly all of the Niagara Escarpment Plan's designations would not seem to have merit.

In staff's opinion, such uses would be best dealt with through the Plan Amendment Process, whereby the purpose and objectives of the Act can be addressed, as well as the site specific and wider impacts of such proposals. The amendment process would also guarantee rigorous public, municipal and provincial scrutiny before decisions were made.

Recommendation: That the Niagara Escarpment Commission instruct staff to initiate an amendment to the Niagara Escarpment Plan to delete landfilling and related operations as a permitted use within the area of the Niagara Escarpment Plan.

As such, all landfill and related proposals would require an amendment to the Niagara Escarpment Plan.



Ontario

SUB #6571



Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

232 Guelph Street
Georgetown, Ontario
L7G 4B1

(416) 877-5191

232, rue Guelph
Georgetown, Ontario
L7G 4B1

(416) 877-5191

March 9, 1989

Re: Waste Disposal Operations (Landfill)
in the Niagara Escarpment Plan Area

Background: At its meeting of February 9, 1989, the Niagara Escarpment Commission considered a delegation by Mr. John Minns on behalf of P.O.W.E.R. (citizen's group), requesting that the Commission initiate an amendment to the Niagara Escarpment Plan to prohibit waste disposal operations within the Plan Area. (See Appendix I.)

At the same time, the Commission considered the resolution of the Town of Halton Hills requesting that such an amendment be initiated by the Commission. (See Appendix II.)

The Commission instructed staff to prepare a report for discussion at the March 9, 1989 Policy Meeting.

Letters have been sent to the Commission from the Town of Dundas, Town of Caledon, Township of Derby, and the Township of Sydenham endorsing the Town of Dundas' resolution that Provincial legislation be enacted to prohibit sanitary landfill in quarries within fifteen miles of the Escarpment face.

See Appendix III.

Niagara Escarpment Plan: Waste collection or disposal or management are defined by the Niagara Escarpment Plan under the definition for "utility".

Utility facilities are a permitted use in Escarpment Protection and Rural Areas and essential utility facilities are a permitted use in Escarpment Natural Areas and Mineral Resource Extraction Areas.

The term "essential" is defined in the Plan as "that which is deemed necessary to the public interest after all alternatives have been considered."

The Plan, therefore, permits, in principle, landfill sites in virtually all basic designations of the Plan except Urban, Minor Urban and Escarpment Recreation Area.

Comments: The issues to be addressed. "Should landfill operations be permitted in principle in the Area of the Niagara Escarpment Plan?"

By not including landfill as a permitted use a landfill proposal would be required to go through the Niagara Escarpment Plan amendment process.

APPENDIX IV

Area	Newspaper
ONTARIO EDITION	Toronto Star
NIAGARA	Niagara Falls Review St. Catharines Standard Grimsby Independent Lincoln Post Express Pelham Herald
HAMILTON-WENTWORTH	Hamilton Spectator Flamborough Review
HALTON	Acton Free Press Georgetown Independent Burlington Spectator Milton Canadian Champion
PEEL	Caledon Citizen
SIMCOE	Orangeville Citizen Shelburne Free Press Collingwood Enterprise-Bulletin
GRY/BRUCE	Owen Sound Sun-Times Markdale Standard Flesherton Advance Warton Echo The Meaford Express Creemore Star Orangeville Banner Added by resolution March 23/89



Ontario

SUB # 6598 A



Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

232 Guelph Street
Georgetown, Ontario
L7G 4B1

(416) 877-5191

232, rue Guelph
Georgetown, Ontario
L7G 4B1

(416) 877-5191

March 23, 1989

**Re: Circulation and Notification of Niagara Escarpment Plan Amendment
Application 52/89 (Niagara Escarpment Commission).**

Background:

1. Subsections 10 1(a) and (d) and subsection 12(2) of the Act require that the Niagara Escarpment Commission furnish each affected local municipality and county or Regional Municipality within or partly within the Niagara Escarpment Planning Area with a copy of a proposed amendment to the Niagara Escarpment Plan and invite the municipalities to make comments on the amendment to the Commission.
2. Subsections 10 1(b) and 12(2) require that notice of the proposed amendment be published in such newspapers having general circulation in the Niagara Escarpment Planning Area as the Commission considers appropriate.

Purpose: The purpose of this report is for the Commission to approve the recommended notification/circulation lists for the following proposed amendment:

52/89 (Niagara Escarpment Commission)

Comments:

The Proposed Amendment 52, however, deals with a change in Plan policy, which affects the Plan as a whole. The circulation/notification required, therefore, should include all municipalities affected by the Plan, and the general public. To reach the general public, notices of the proposed amendment should be placed in several newspapers throughout the Plan area, and in at least one major Toronto newspaper. This will ensure that an opportunity to comment is given to individuals who are interested in the Escarpment but do not live in the Plan area.

Recommendation: The Niagara Escarpment Commission should instruct staff, pursuant to subsections 10(1) (a), (b) and (d) and 12(2) of the Act to circulate the proposed amendment to the following municipalities and provide notice in the listed newspapers with respect to the above-noted Plan amendment application.

Amendment Application	Municipalities	Area Newspapers
52/89	All local, county & regional municipalities within the area of the N.E. Plan	(See attached Appendix 1)

PART B_ - THE AMENDMENT

The Niagara Escarpment Plan is hereby amended as follows:

Appendix 2 Definitions

1. The definition for utility is amended by deleting the following:

"waste collection or disposal or management".

The definition is revised, thereafter, as follows:

Utility: a water supply, storm or sanitary sewage, gas or oil pipeline, the generation, transmission and distribution of electric power, steam or hot water, towers, telegraph and telephone lines and other cabled services, a public transportation system, licensed broadcasting, receiving and transmitting facilities or other similar works or systems necessary to the public interest, but does not include waste disposal or management or associated uses, e.g. transfer or container stations).

2. The following definition for "waste" is added:

Waste: includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations, as amended, under the Environmental Protection Act. R.S.O. 141.

PART A THE PREAMBLE

Purpose: The purpose of the amendment is to amend the Niagara Escarpment Plan to delete waste disposal and related uses as a permitted use in the Escarpment Natural, Protection and Rural Areas and the Mineral Resource Extraction Area.

Basis: Under Section 12(1) of the Niagara Escarpment Planning and Development Act, an amendment to the Niagara Escarpment Plan may be initiated by the Minister or by the Commission.

The Niagara Escarpment Commission has initiated this amendment in order to ensure that the permitted uses of the Niagara Escarpment Plan reflect more accurately, as determined at this time, the purpose and objectives of the Niagara Escarpment Planning and Development Act.

TABLE OF CONTENTS

PART A - The Preamble

PART B - The Amendment

AMENDMENT No. 52 TO THE NIAGARA ESCARPMENT PLAN

March 23, 1989



Ontario

SUB #6598



Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

232 Guelph Street
Georgetown, Ontario
L7G 4B1
(416) 877-5191

232, rue Guelph
Georgetown, Ontario
L7G 4B1
(416) 877-5191

March 23, 1989

Re: Niagara Escarpment Plan Amendment 52/89
Niagara Escarpment Commission

Recommendation: That the Niagara Escarpment Commission approve the attached amendment document as the proposed amendment to be initiated by the Commission.



Ontario



Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

232 Guelph Street
Georgetown, Ontario
L7G 4B1
(416) 877-5191

232, rue Guelph
Georgetown, Ontario
L7G 4B1
(416) 877-5191
P5-5-1
APR 17 1989
D.R.
AG
CART.
ADMIN

April 12, 1989

Mr. A. E. Simpson
Clerk
City of Hamilton
Box 910
Hamilton, Ontario
L8N 3V9

Dear Mr. Simpson:

Re: Niagara Escarpment Plan Amendment 52/89
Niagara Escarpment Commission

Pursuant to Subsection 12(2) of the Niagara Escarpment Planning and Development Act, the Commission invites the City of Hamilton to make comments to the Regional Municipality of Hamilton-Wentworth on the enclosed amendment to the Niagara Escarpment Plan.

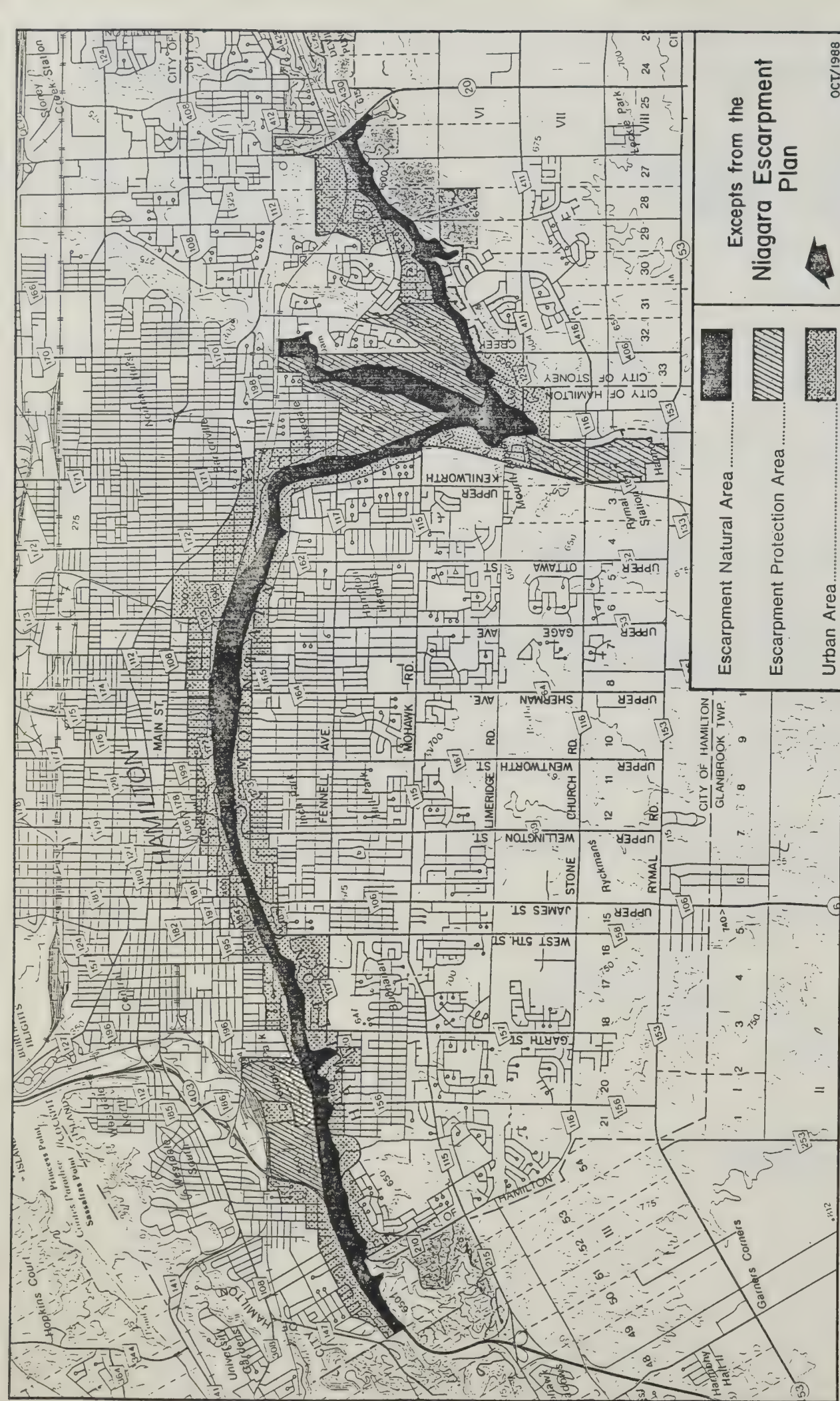
The Act requires that the council submit its comments to the Regional Municipality of Hamilton-Wentworth by July 12 1989.

Additional information regarding the amendment, may be obtained from the Niagara Escarpment Commission offices in Georgetown, Clarksburg and Grimsby.

Yours very truly,

G. H. U. Bayly
Chairman

cc: R. Morrow
V. J. Abraham
J. Thoms



REPORT

Utility facilities (which includes waste collection or disposal or management) are currently permitted in the Escarpment Protection and Rural Areas, Escarpment Natural Areas and Mineral Resource Extraction Areas. In principle, land fill sites are permitted in virtually all designations of the N.E.P. except Urban, Minor Urban and Escarpment Recreation.

The N.E.C. initiated this Amendment because it was felt that landfill operations and related uses would:


- conflict with the purpose and objectives of the Niagara Escarpment Planning and Development Act; and,
- not be in keeping with preserving a substantially natural environment.

In addition, it was felt that such uses could more appropriately be dealt with through the N.E.P. Amendment process. Thereby, the purpose and objectives of the Act can be addressed, as well as the site specific and wider impacts of such proposals can be assessed. The amendment process will also guarantee vigorous public, municipal and provincial scrutiny before decisions are made.

There are only three N.E.P. designations within the City of Hamilton: Escarpment Natural Area, Escarpment Protection Area and Urban Area (see attached map). The proposed amendment will only impact on the first two areas. The Regional Engineering Department has advised that there are no waste disposal or related uses within these two areas. It was noted that the Upper Ottawa Street landfill site, now closed, is located immediately west of the Escarpment Protection Area in the vicinity of Stone Church Rd. Since this site is no longer used for land fill purposes, the proposed amendment will have no impact.

CONCLUSION

Proposed Amendment No. 52/89 to the N.E.P. has no impact on the City of Hamilton. Accordingly, the City Clerk should be directed to notify the Regional Clerk that the City does not object to this proposed amendment.


C.F.:nd
W.P. DOC. 0121P

F O R A C T I O N

22.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 12
COMM FILE:
DEPT. FILE: P-5-7-1


SUBJECT:

Proposed Amendment 52/89 to the Niagara Escarpment Plan.

RECOMMENDATION

That the City Clerk be directed to notify the Clerk of the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to proposed Amendment 52/89 to the Niagara Escarpment Plan.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

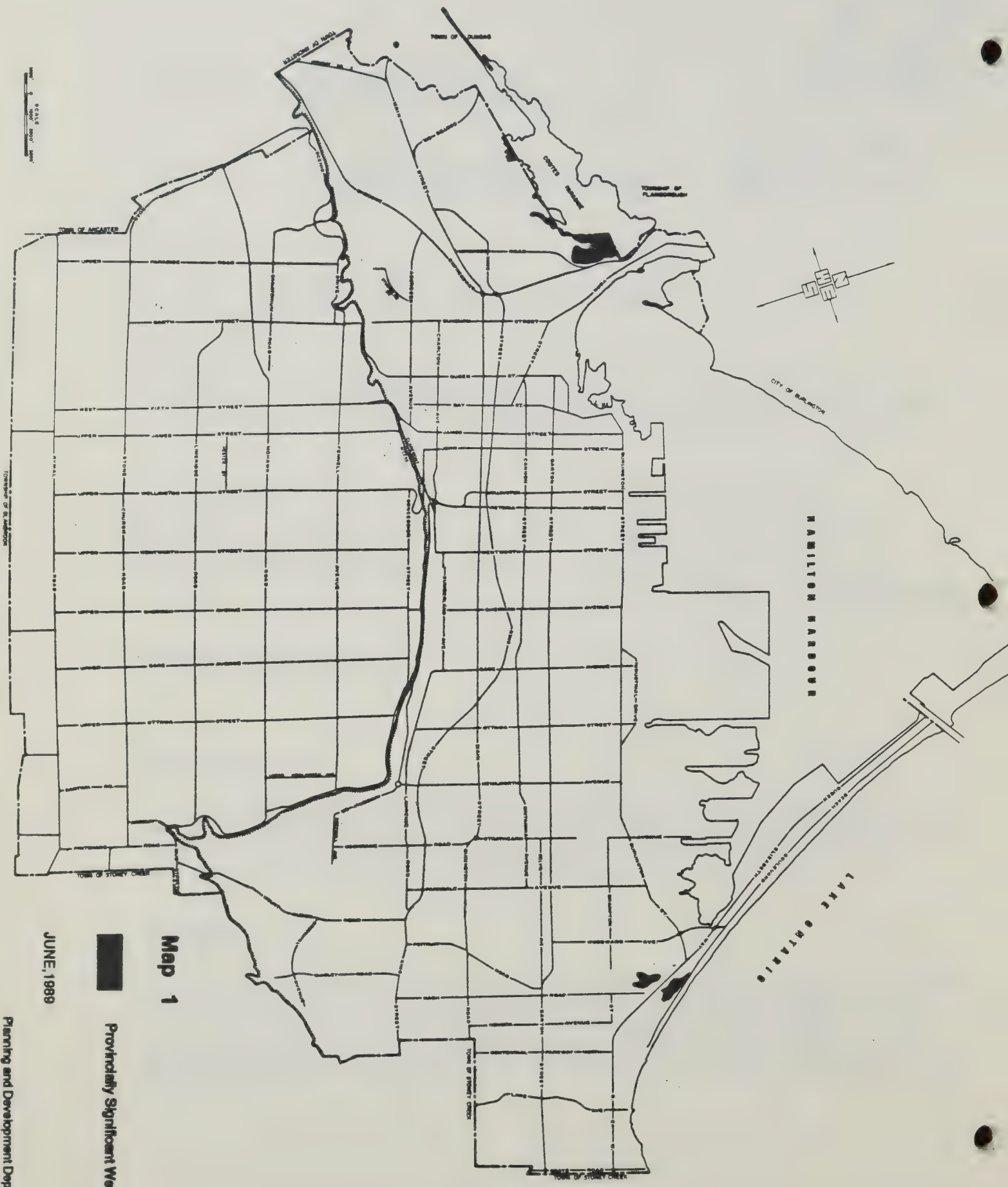
N/A

EXPLANATORY NOTE

The Niagara Escarpment Commission has requested the City's comments on proposed Amendment 52/89 to the Niagara Escarpment Plan. The purpose of this Amendment is to delete waste disposal (landfill) and related uses from Escarpment Natural, Protection and Rural Areas.

BACKGROUND

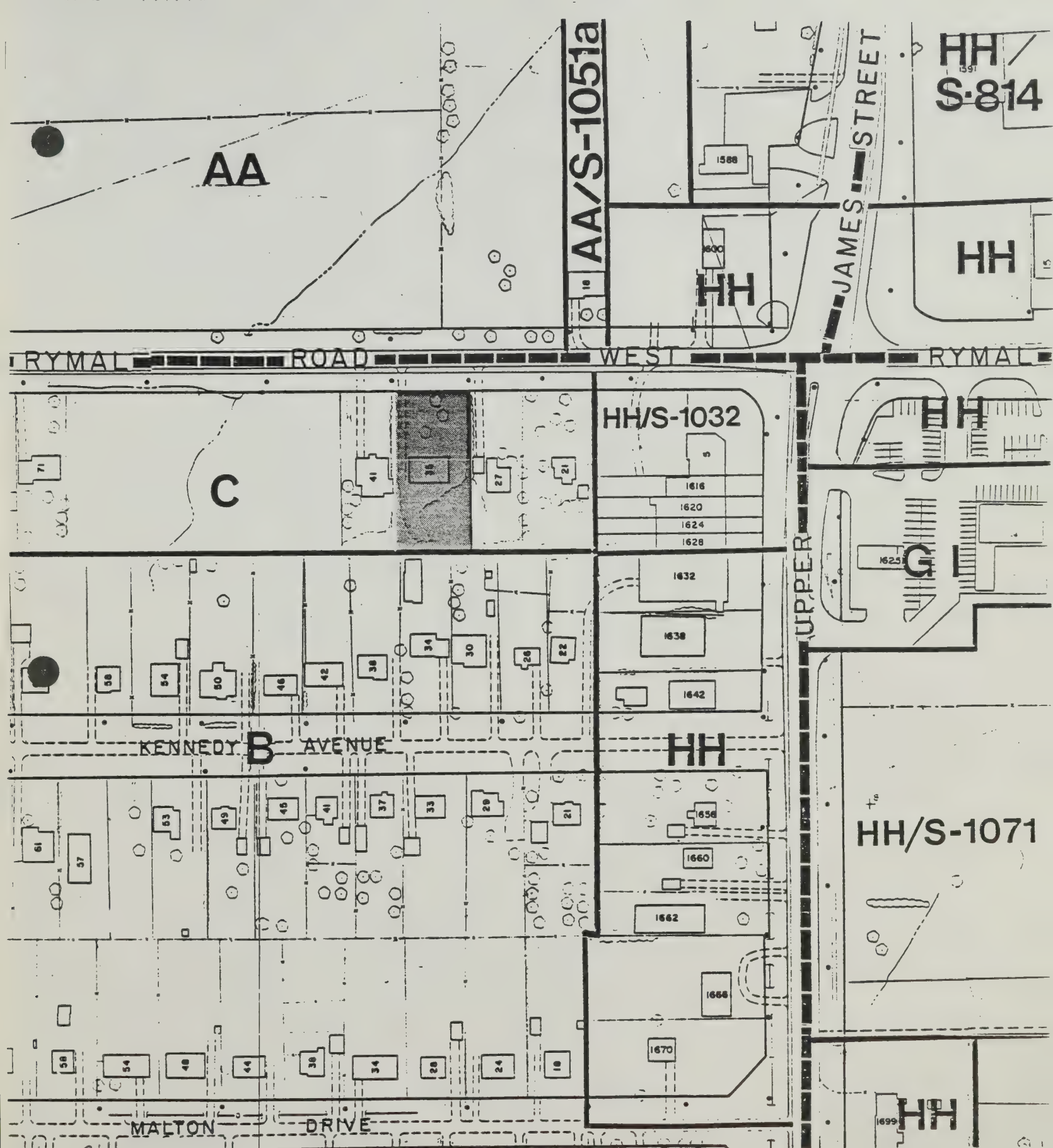
The Niagara Escarpment Commission (N.E.C.) has requested the City of Hamilton to make comments on proposed Amendment 52/89 to the Niagara Escarpment Plan (N.E.P.) initiated by the Commission. The purpose of this amendment is to delete waste disposal and related uses as a permitted use in the Escarpment Natural, Protection and Rural Areas and the Mineral Resource Extraction Areas of the N.E.P.



Map 1

JUNE, 1989

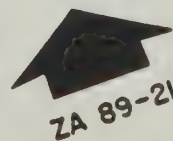
Provincially Significant Wetlands



Legend



Site of the Application



APPENDIX A

FOR ACTION

25.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 June 7
COMM FILE:
DEPT. FILE: ZA-89-25
Kennedy
East
Neighbourhood

SUBJECT:

Request for a change in zoning - No. 41 Rymal Road West.

RECOMMENDATION

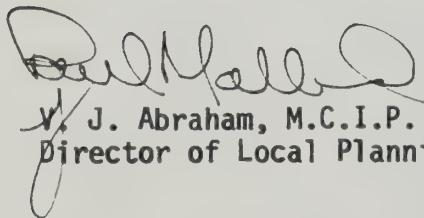
1. That approval be given to Zoning Application 89-25, Ashok Kumar, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 41 Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:
 - i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
 - ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding the provisions of Section 14A(1), the following commercial use shall be permitted:
 - a coin-operated car wash consisting of eight (8) bays contained within a completely enclosed building;
 - b) That Section 14A(3)(b) shall not apply;
 - c) That Sections 18.(3)(ivc)(a), (b) and (c), shall only apply to the southerly rear lot line; and,
 - d) That a minimum 3.0 m wide landscaped planting strip, and a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained across the entire southerly lot line;
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-9D and W-9E be notated S- ;

- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

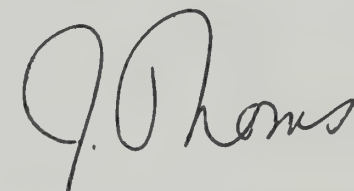
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 41 Rymal Road West, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the development of the subject lands for a coin-operated car wash, with a maximum of eight (8) bays contained within a completely enclosed building, and a two storey retail/office building attached to the car wash. In addition, the By-law requires that a minimum 3.0 m wide landscaped planting strip and a visual barrier of not less than 1.2 m and not more than 2.0 m in height be provided and maintained across the southerly lot line.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

The applicant intends to construct a fully enclosed, eight (8) bay coin-operated car wash, and a two storey retail/office building attached to the car wash.

- Zoning Application 89-21

Zoning Application 89-21 has been received for property at 35 Rymal Road West which is located immediately to the east of the subject lands. The purpose of Zoning Application 89-21 is to rezone the property at 35 Rymal Road West to permit the construction of a 3 storey commercial building containing general office and retail space. Zoning Application 89-21 is being considered at the same Planning and Development Committee meeting as is the subject application.

APPLICANT

Ashok Kumar, owner.

LOT SIZE AND AREA

A rectangular shaped parcel of land having approximately:

- 27.3 m (60 ft.) of lot frontage along Rymal Road West;
- 60.96 m (200 ft.) of lot depth; and,
- 1,114.80 m² (12,000 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District
to the south	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "COMMERCIAL" on Schedule "A" Land Use Concept and identified as SPECIAL POLICY AREA 31 on SCHEDULE "B". Accordingly, the following policies will apply:

- A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce, defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31 (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

Based on the above, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL" in the approved Kennedy East Neighbourhood Plan. The proposal complies.

RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objections:

- LACAC; and,
- Hamilton Region Conservation Authority.

- The Traffic Department has advised as follows:

"In response to your letter of 1989 March 8, please be advised that we have reviewed the above-noted application and find it satisfactory. However, we would suggest that this property be developed in conjunction with the adjoining properties. This would allow for a more comprehensive development with co-ordinated parking, manoeuvring area, and driveway accesses".

- The Department of Buildings has advised as follows:

- "1. A "coin-operated car wash" is not permitted.
2. Only a "manual car wash" or "mechanical car wash" that conforms to the definition of Section 2.(2)H.(1a) and (1b) of By-law #6593 is permitted provided that it is an accessory use to an automobile service station or public garage consisting of one bay or stall and not occupying more than 30% of the gross floor area within the same building.
3. The proposed building shall be 6.0 m from the side and rear lot lines adjoining the residential districts.
4. A 3.0 m wide planting strip is required along and within the side and rear lot lines adjoining the residential districts.
5. A visual barrier of not less than 1.2 m and not more than 2.0 m in height is required along the side and rear lot lines adjoining the residential districts.
6. The elevations do not indicate a two-storey building as proposed.
7. The proposed building shall conform to all the requirements of Section 18A of Zoning By-law #6593.
8. The proposed sign shall be at least 6.0 m from the street line and 3.0 m from the lot line adjoining the residential district.
9. The proposed business identification sign area shall not exceed 6.1 m²".

- The Hamilton-Wentworth Engineering Department has advised as follows:

"In response to your letters of March 3, and March 8, 1989, please note that public watermains and separate storm and sanitary sewers are available to service the subject land.

The designated road allowance width of Rymal Road is 36.0 m. In accordance with this designation, we recommend that a strip of land 4.89 m wide be dedicated for road widening purposes. Any setbacks under the Zoning By-law must be set back from the widened limits of Rymal Road.

Due to the reduced frontage of this land, we recommend that this land be developed in conjunction with adjacent lands to the east and west to provide for common access, etc. to Rymal Road. The location of this access to Rymal Road must be compatible with accesses to the shopping plaza on the north side of Rymal Road. The access to this property may be restricted to right in and right out. Furthermore, the applicant/owner may be required to contribute money to these road works. These details will be resolved at the Site Plan stage, however, the applicant should be advised of these concerns now."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it would implement the commercial designation of the Official Plan and the Kennedy East Neighbourhood Plan;
 - it would be compatible with other commercial developments intended along Rymal Road West; and,
 - the requested "HH" District is consistent with the established zoning in the surrounding area.
4. The "HH" Zoning District of By-law 6593 requires that a side yard of at least the same as that required in the adjoining properties be provided. Given that the subject lands abut a "C" Zoning District, a minimum side yard of 1.2 m (3.98 ft.) would be required. Based on the preliminary site plan submitted by the applicant, the proposal does not incorporate any side yard setbacks. Such a variance can be supported for the following reasons:
 - the adjoining properties are designated for commercial uses; and,
 - the variance is deemed to be minor in nature and therefore should not adversely affect the adjoining properties; and,
 - the proposed car coin-operated car wash will be fully enclosed.
5. The proposal incorporates a coin-operated car wash for which, the following additional requirements would apply:
 - the proposed building shall be at least 6.0 m (19.68 ft.) from the nearest boundary of a residential district, (Section 18.(3)(ivc)(a));
 - a planting strip of at least 3.0 m (9.84 ft.) wide shall be provided along the rear and side lot lines, (Section 18.(3)(ivc)(b)); and,
 - a visual barrier of not less than 1.2 m and not greater than 2.0 in height shall be provided along every side and rear lot lines, (Section 18.(3)(ivc)(c)).

The foregoing requirements should apply only to rear lot line where the subject lands abut an established residential area. The properties adjoining the subject lands along Rymal Road West have been designated for commercial purpose. On this basis these additional requirements are not deemed necessary along the side lot lines and therefore, a variance from the requirements of Section 18(3)(ivc)(a), (b) and (c) of Zoning By-law 6593 can be supported.

However, should the subject lands be developed for commercial uses other than a coin-operated car wash, the foregoing requirements should also apply to the rear lot line.

6. The applicant should be aware that the proposed sign located within the required front yard shall be at least 6.0 m (19.68 ft.) from the widened limit of Rymal Road West and at least 3.0 m (9.84 ft.) from the adjoining residential district. In addition, the proposed sign shall not exceed 6.1 m² (65.66 sq.ft.) in total area.
7. The Hamilton-Wentworth Engineering Department has advised that a strip of land 4.89 m wide must be dedicated to the Region for road widening purposes. In addition, the Department has advised that access to the property may be restricted to right turn in and right turn out only, and there may be a requirement to contribute monies to these road works. These and other matters (e.g. access, landscaping, parking, etc.) will be dealt with during the site plan approval stage.

CONCLUSION

On the basis of the foregoing, the application can be supported.

HY/ma
WP0217P

FOR ACTION

26.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 30
COMM FILE:
DEPT. FILE: ZA-89-33
Gourley Neighbourhood

SUBJECT:

Request for a change and modification in zoning - No. 132 Stone Church Road West.

RECOMMENDATION

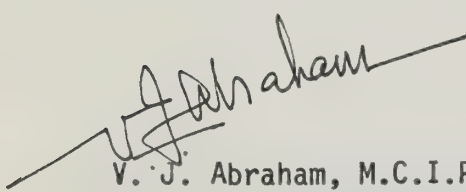
That approval be given to Zoning Application 89-33, William Schinkel, owner, to establish a change in zoning from "B-1" (Suburban Agriculture and Residential, etc.) District modified to "C" (Urban Protected Residential, etc.) District (Blocks "1" and "2"), and to establish a modification to the "C" (Urban Protected Residential, etc.) District regulations (Block "1"), for property located at No. 132 Stone Church Road West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:


- (i) That the lands described as Blocks "1" and "2" be rezoned from "B-1" (Suburban Agriculture and Residential, etc.) District modified, to "C" (Urban Protected Residential, etc.) District;
- (ii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands described as Block "1", be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, a minimum lot width of at least 10.97 m (36.0 ft.) and an area of at least 360.0 m² (3,875.01 sq. ft.) shall be provided and maintained;
- (iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9C be notated S- ;
- (iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- (v) That the proposed change and modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the by-law is to provide for a change in zoning for Blocks "1" and "2" from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit development of the subject lands for single-family dwellings. In addition, the by-law provides for a variance for the lands described as Block "1" to permit a minimum lot width of at least 10.97 m (36.0 ft.), whereas a minimum of 12.0 m is required (Section 9.(4) of Zoning By-law No. 6593).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

- Proposal

It is the applicant's intention to rezone Blocks "1" and "2" from "B-1" (Suburban Agriculture and Residential, etc.) District modified, to "C" (Urban Protected Residential, etc.) District to permit single-family residential development.

- Land Severance Application

At its meeting held on May 23, 1989 the Regional Land Division Committee considered and approved Land Severance Application H-101-89 to convey the westerly 36' x 115' portion of the subject lands (Block "1") to create a new building lot for single-family dwelling purposes, and retain the balance of the holding occupied by an existing single-family dwelling (Block "2"). The land severance application was approved on the condition that the applicant apply for and receive the necessary change(s) in zoning.

- ZA-89-09

City Council at its meeting on May 9, 1989 adopted the recommendation of the Planning and Development Committee to approve zoning application 89-09 which provides for a change in zoning of adjoining lands at No. 142 Stone Church Road West from "B-1" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District. To-date, a By-law has not been passed by City Council.

The effect of the application is to permit the severance of the property to create two single-family dwelling lots (Region Land Severance Application H-60-88).

- ZA-88-83

At its meeting of January 31, 1989, City Council passed By-law No. 89-46. The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands to the east at No. 120 Stone Church Road West.

The effect of the By-law is to permit the severance of the property to create two single-family dwelling lots. (Region Land Severance Application H-149-88).

- ZA-88-66

At its meeting of March 1, 1989 the Planning and Development Committee approved Zoning Application 88-66 to rezone lands at No. 980 West 5th Street from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. The effect of the application was to permit the creation of two single-family dwelling lots. (Regional Land Severance Application H-101-88). To-date, a By-law has not been passed by City Council.

- ZA-88-28

At its meeting held on April 12, 1989, the Planning and Development Committee approved amended Zoning Application 88-28 to rezone lands at 1002 West 5th Street from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the application is to permit the severance of the property to create two single-family dwellings lots. (Regional Land Severance Application H-102-89).

To date, a By-law has not been passed by City Council.

APPLICANT

William Schinkel, prospective owner.

LOT SIZE AND AREA

- 28.042 m (92.0 ft.) of lot frontage on Stone Church Road West;
- 71.840 m (235.7 ft.) of lot depth; and,
- 2,014.4 m² (21,684.4 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"B-1" (Suburban Agriculture and Residential, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	Single-family dwellings	"AA" (Agricultural) District
to the south	Single-family dwellings and vacant lands	"AA" (Agricultural) District
to the east	Single-family dwellings	"B-1" (Suburban Agriculture and Residential, etc.) District, and "AA" (Agricultural) District
to the west	Single-family dwellings	"B-1" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:
"The proposed lot fronting on Stone Church Road West will not meet the minimum width required of 12.0 m (34.37 ft.). Shown is 10.97 m (36.0 ft.). A variance is required as well as Land Division approval."
- The Traffic Department and Hamilton Region Conservation Authority have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers are available on Annabelle Street and Stone Church Road West.

We do not anticipate any further road allowance widenings at this time."

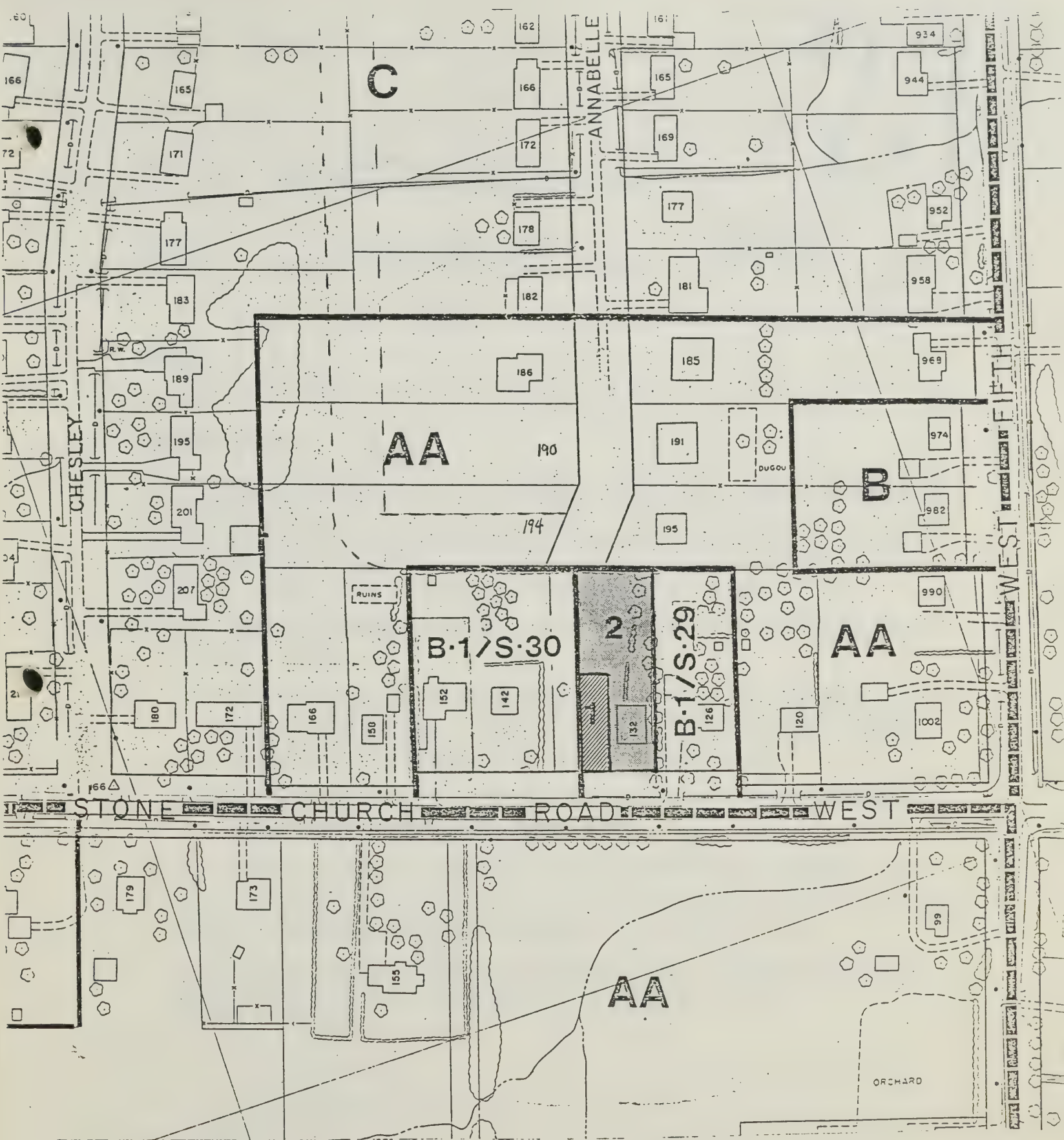
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Gourley Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of both the Official Plan and the approved Gourley Neighbourhood Plan;
 - it would be compatible with existing and future intended residential development in the surrounding area;
 - it will not interfere with the orderly development of the neighbourhood; and
 - four similar land severance and rezoning applications were approved on lands in the immediate vicinity of the property to permit single-family residential development.
4. Approval of the application would require a modification to the "C" District regulations to reduce the required minimum lot width for Block "1" from 12.0 m (39.37 ft.) to 10.97 m (36.0 ft.). The variance will enable the applicant to provide the required 1.2 m (3.94 ft.) side yard for the existing single-family dwelling on Block "2". This variance is minor in nature and can be supported. In this regard, the applicant advised that he was prepared to purchase a 1.2 m (4.0 ft.) wide strip of land from the adjoining property owner to satisfy the minimum lot width requirement, however, the adjoining land owner did not wish to sell the strip of land to him.

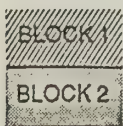
CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:CS
Enc1
0157P



Legend



Site of the Application



FOR ACTION

27.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 May 31
COMM FILE:
DEPT. FILE: ZA-89-16
Corktown
Neighbourhood

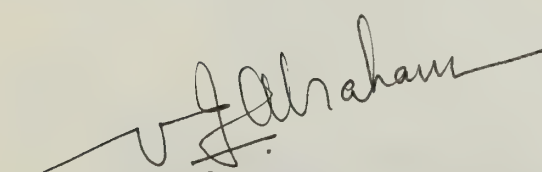
SUBJECT:

Request for a modification to the existing zoning - No. 225 John Street South.

RECOMMENDATION

That Zoning Application 89-16, Buckingham - York Limited Ontario Corporation No. 299734, owner, requesting a modification to the established "CR-2" (Commercial Residential) District to permit a 120 seat outdoor patio area in conjunction with an existing restaurant (BENI'S CASUAL DINNER HOUSE) on property located at No. 225 John Street South as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

1. The proposal conflicts with the intent and purpose of the "Outdoor Patio" By-law, in that:
 - i) the proposed patio would be located adjacent to a residential district which is prohibited. In this regard, approval of a patio at this location may interfere with the enjoyment, use and privacy of the residents of the adjoining residential property; and
 - ii) the proposed capacity (120 persons) is 2.4 times the permitted capacity (50 persons) for outdoor patios;
2. The proposal would be incompatible with the adjoining residential use;
3. Approval of the application would result in the loss of 2 required loading spaces as required by the approved site plan (DA-81-43); and
4. Approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the "Outdoor Patio" By-law.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

The applicant has advised that the current capacity of the restaurant is 285 persons in the dining room. The proposal to establish an outdoor patio will provide patrons the option of sitting inside or outside during the summer months. The proposed outdoor patio has an area of approximately 1,400 sq.ft. and could accommodate 120 persons (see APPENDIX "B" attached).

● Outdoor Patio By-law 86-223

By-law 86-223 was passed by City Council on July 22, 1986 to provide a general text amendment to Zoning By-law No. 6593 by introducing special requirements for the regulation of "Outdoor Patios" (e.g. capacity, location, lighting, parking, entertainment). The effect of the By-law is to permit "Outdoor Patios" in certain zoning districts excluding, among others, the "CR" Districts.

APPLICANT

Buckingham - York Limited Ontario Corporation No. 299732, owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having:

- 73.69 m (241.79 ft.) of lot frontage on John Street South;
- an average lot depth of approximately 71.29 m (233.9 ft.); and,
- a lot area of approximately 5,442.58 m² (58,585.4 sq.ft.)

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Shopping plaza	"CR-2" (Commercial Residential) District, modified
<u>Surrounding Lands</u>		
to the north	a church, a service station and vacant lands	"H" (Community Shopping and Commercial, etc.) District and "E-3" (High Density Multiple Dwellings) District

to the south	converted dwellings	"E-3" (High Density Multiple Dwellings) District, modified and "E-3" (High Density Multiple Dwellings) District
to the east	an apartment building	"E-3" (High Density Multiple Dwellings) District
to the west	single-family dwelling and apartment buildings	"E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN

Designated "Commercial" on Schedule "A" Land Use Concept Plan of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Commercial and Apartments" on the approved Corktown Neighbourhood Plan, and for "Residential Neighbourhood" use on the Central Area Plan (final approval pending). The proposal would not conflict with the intent of either plan.

COMMENTS RECEIVED

- The Building Department has advised that:
 - "1. The proposed Outdoor Patio is not a permitted use in the zoning district.
 2. If the Outdoor Patio was a permitted use in the zoning district, the use would contravene Section 18.(11)(b)1. due to the lot lines adjoining a residential district.
 3. The maximum capacity of an Outdoor Patio is restricted to a seating capacity of 50 persons.
 4. According to our records, the capacity of the restaurant was established at 160 persons.
 5. No site plan has been submitted to show the location of the proposed Outdoor Patio.
 6. According to the existing DA-81-43, the only area adjacent to the restaurant is presently the location of the two required 18.0 m x 3.7 m loading spaces and landscaping area."

As a follow-up to the above comments the Building Department submitted the following comment on the location of the proposed patio.

"The location of proposed patio occupies the area of the two required loading spaces as per DA-81-43. All previous comments have not changed".

- The Traffic Department, Hamilton Region Conservation Authority, and Licencing Department have no comments or objections.
- The Hamilton-Wentworth Engineering Department:

"Please be advised that public watermainns are available to service the subject lands. Storm and sanitary sewers are available on Catharine and Young Street.

The subject application appears to only allow approval for an outdoor patio. Any works which may occur within the John St., Young St., Forest Ave. and Catherine St. road allowance must conform to the respective streets by-law. If the intent of this application is more than an outside patio, comments should be reviewed from this Department".

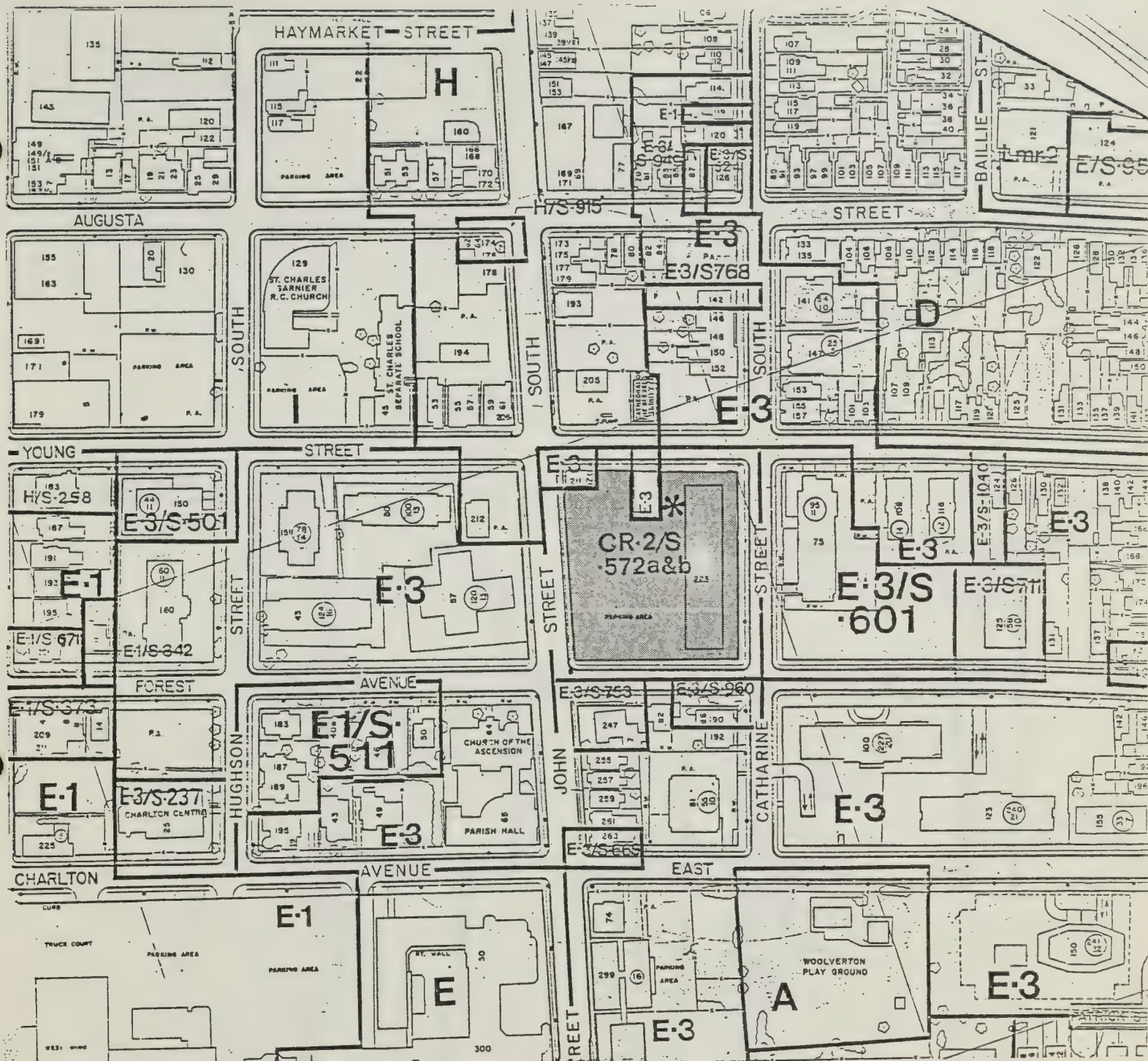
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would not conflict with the intent of either the approved Corktown Neighbourhood Plan or the Central Area Plan.
3. The proposal to establish a patio in conjunction with the restaurant located at No. 225 John Street South (BENI'S CASUAL DINNER HOUSE) cannot be supported for the following reasons:
 - i) It conflicts with the intent and purpose of the "Outdoor Patio" By-law, in that:
 - a) The proposed patio would be located adjacent to a residential district which is prohibited. In this regard, approval of a patio at this location may interfere with the enjoyment, use and privacy of the residents of the adjoining residential property;
 - b) The proposed capacity (120 persons) is 2.4 times the permitted capacity (50 persons) for outdoor patios;
 - ii) The proposal would be incompatible with the adjacent residential use;
 - iii) Approval of the application would result in the loss of 2 required loading spaces as required by the approved site plan (DA-81-43);
 - iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the "Outdoor Patio" By-law.

It should be noted, that the special requirements for "Outdoor Patios" (e.g. capacity, location, lighting, parking, entertainment) were adopted with the aim of mitigating potential spill-over effects of "patios" on adjoining residential uses.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.



LEGEND



SITE OF THE APPLICATION

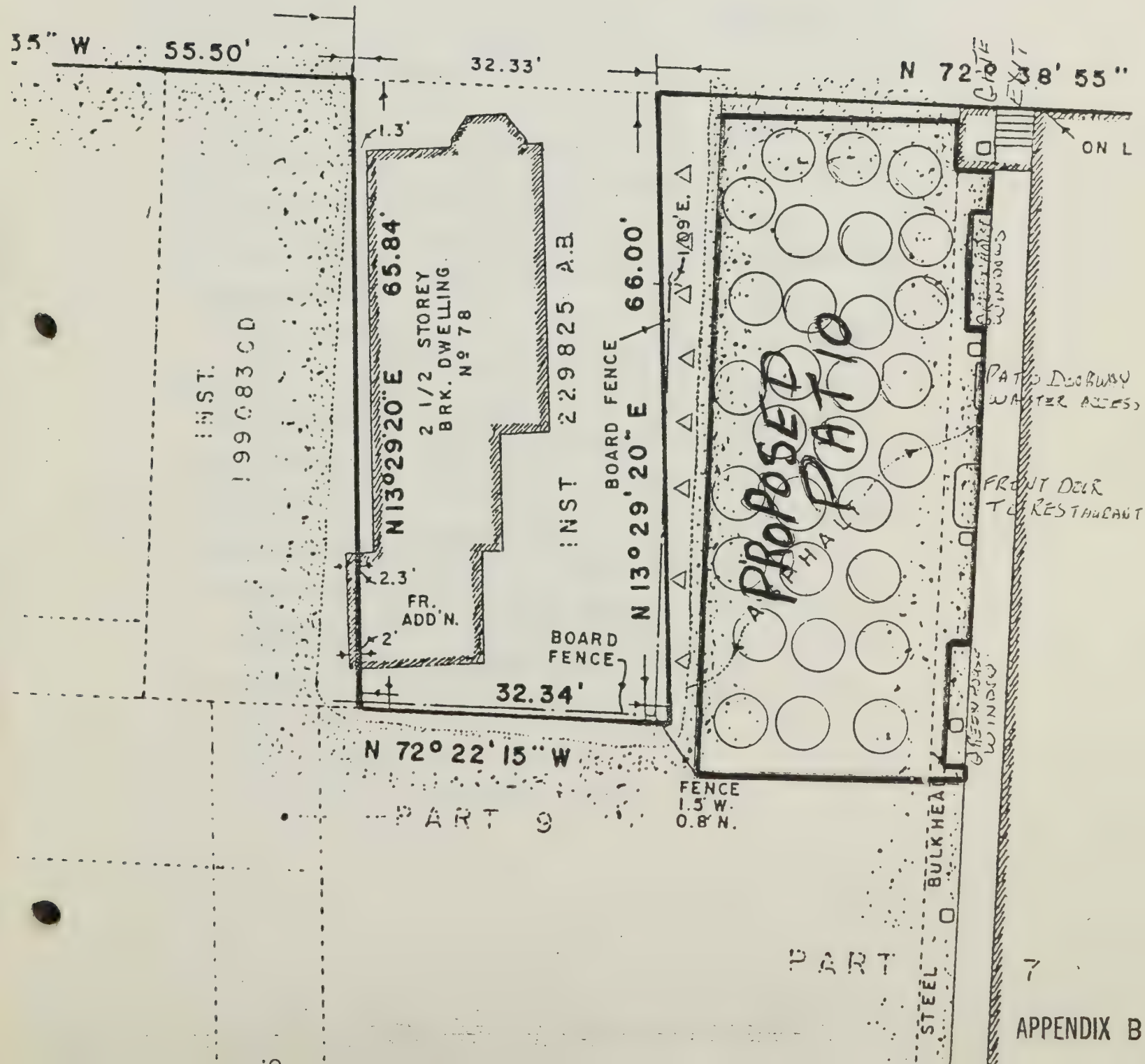


LOCATION OF OUTSIDE PATIO



YOUNG

STREET



①

27a.

30 MAY 89

ZA89-16.

To whom it may concern;

I object to the granting of a patio license to BUCKINGHAM-YORK LIMITED to add on a patio to there already established "Ben's casual Dinner House".

I live in very close proximity to the premises and find it a nuisance already. It's customers walk past my apartment (70 Young St, Hamilton - upper portion of 211 John St. S) after "last call" and I've been awakened on many an occasion to obnoxious yelling and hollering.

Furthermore I don't think Ben's has adequate washroom facilities or concern over there customers. The reasons for my saying this are as follows:

1) I've witnessed on many an occasion

(2)

30 May 89.

Beni's customers urinating on the building in which I live and ~~many~~ various other parts of the parking lot.

11) From witnessing people emerging from the restaurant after last call, it is more than evident that they don't have or don't enforce a "No Drinking and Driving policy". My justification in that statement is as follows.

On ^{FRIDAY} ~~Thursday~~ March 03/89.

I witnessed a young lady leaving the premises of Beni's ~~and at~~ approximately 12:30 A.M. She was extremely intoxicated.

She proceeded to and ^{entered} her car.

She drove about 100' to another parking spot in the lot. At which point she got out of ~~her~~ her vehicle and urinated next to her car. Upon seeing

(3)

this, I notified the Police (through 911) and told them this lady was drunk and had every intention of driving away.

I went outside of my apartment (I witnessed all of this from my kitchen window) and tried to prevent her from driving away. My efforts ~~were~~ ^{were} in vain. She proceeded onto Young St. Driving West bound.

I ~~was~~ ^{went} into my own vehicle in the attempt to follow her. I witnessed her turn left on James street (disobeying a Red traffic signal) ~~and~~ at which time a member of the Hamilton Wentworth Regional Police officers, drove ~~into~~ up to my vehicle. He then went in pursuit of this lady."

It is because of incidents like these that I feel granting a patio

(4)

license to Beni's would not be in the best judgement or welfare of its patrons or citizens of this neighbourhood.

I can tell you now, had that lady hurt someone I would have been the first to testify that I witnessed ~~her~~ her leaving those premises.

Thank you for your time and consideration in this matter.

Sincerely Yours.

Pet Dill

P.S Please feel free to read this letter at your meeting on 14 Jun 89 on my behalf seeing as my work schedule prevents me from attending.

27b.

May 30, 1989

JUN 1 1989

Planning Department
City of Hamilton

Property Desc. - 225 John Street, South
Beni's Dinner House

File No: ZA89-16
Seq No: 00181

We are opposed to the outdoor patio because of the disturbance we will receive from the loud patrons. Our apartment faces Beni's and there has been many a night where we have been kept awake because drunken patrons have been loud and using profane language. We are a young couple and do enjoy having a drink and having a good time, but where we are the sound seems to bounce off the buildings and echo throughout.

Since Beni's has opened, the neighborhood has changed, some for the better, some for the worst. One example of better, is the fact that the small mall it occupies has now filled all of its vacant spaces. The worst, is the loud patrons when leaving the bar, especially on Thursday nights, (which seems to be the night to be there) and the garbage which piles up outside in front of our building. One would think that the garbage could be a health hazard as it lies on the ground waiting for someone or something to rummage through it.

In conclusion, we are definitely **opposed** to the outdoor patio with very good reason.

Yours truly,

Heidi Evans
175 Catharine Street, S.
Apt 64
Hamilton, Ontario
L8N 2K2

Communication Planner

27c.

Name			Subject				
Company:			File:				
Address:			Circulate:				
Phone:			Delegate to:				
Fax:			Return to:				
Type	Date Note	Time Seq.	Subject			Response	Follow-up
						JUN 1 1989	
						May 29/89.	
			To whom it may concern,				
			I am in favour of this change however this				
			plans has 3 significant shortcomings.				
			1) The parking-lot is a mess, there are no lines				
			painted on the ground for parking, therefore there are				
			cars all over the place making it hard to enter or				
			exit.				
			2) The Young St. entrance/exit is too narrow.				
			3) The landscaping and general maintenance is				
			an eyesore. The grass is seldom cut and garbage				
			is often lying around.				
			I truly hope something can be done about				
			the above,				
			Yours Truly				
			[Signature]				

27d.

1202-57 Forest Avenue
Hamilton, Ontario
L8N 1X3
1989 05 31

JUN 1 1989

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Re: File #ZA89-16

In reference to the above file, I wish to make it known that I am opposed to the proposed change.

Since the opening of Beni's, there has been an increased level of noise, and problems with the parking situation. Parking on the street is very limited to begin with. When Beni's lot is full, their guests are using the surrounding streets, leaving virtually no space available for residents/guests of the neighbourhood.

My main concern about this situation is the noise. Opening a patio will only increase its level.

Sincerely,

Christine Chutko

Christine Chutko

June 6th/89

27e.

Secretary
Planning and Development Committee
City Hall

71 Main St. W.
Hamilton Ont. L8N 3T4

Dear Sirs,

I am objecting to the proposed
"Outdoor Patio" seating 120 at Beni's Casual Dinner
Hause on 225 John St. So. Hamilton Ont.

The reasons are:

My son and I live beside Beni's. It is already a
"Mad Hause" between 10 PM and 3 A.M. especially weekends.
Loud music, arguments, fights, profane language.
Health hazards such; urine, condoms, vomit, smoke
garbage, sex, pollution, Carbon monoxide, ect....

The space between my Property and Beni's - 31 feet wide
(Beni's sidewalk to my fence)

The space between the two Property is a wind-tunnel
and echo-chamber.

The "Patio" would be "to close for Comfort"

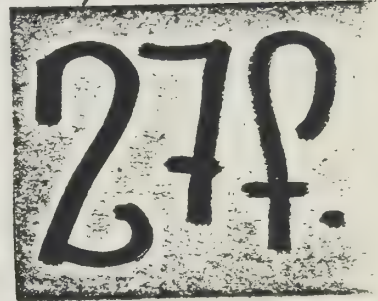
In 1987 Sept. 20th. Sunday morning 4 A.M. Someone set a
fire to my house.

I am Counting on your humanity

Sincerely Yours.
Maria Balla %

Todd C/Kenny
100 Forest Ave Apt 408
Hamilton Ontario L8N 3X2

June 1/89



Dear Sir

In reference to file # ZAS9-16 and the proposed further modification at 225 John Street (Bene's Casual Dinner House) in the "CR-2" District and their plan to put in a 120 seat capacity outdoor patio. I am opposed to this for the following reasons.

Firstly noise is a concern as well as parking. Parking would be a serious concern as in my opinion there is not enough customer parking and this in turn would force patrons to park on the street thus increasing traffic problems and only compounding problems already faced by the residents in the area, including myself.

Vandalism on cars and property caused at least in part by intoxicated patrons leaving the bar is a concern which I have already found this to be a problem.

For these reasons I am opposed to the plan.

Yours Sincerely
Todd C/Kenny

F O R A C T I O N

28.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 June 7
COMM FILE:
DEPT. FILE: ZA-89-17
 Stipeley
 Neighbourhood

SUBJECT:

Request for a modification to the established zoning - Nos. 2 and 4
Solidarnosc Place

RECOMMENDATION

1. That approval be given to Zoning Application 89-17, Polonia Club Limited, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit a parking lot in conjunction with the Polonia Club, on property located at Nos. 2 and 4 Solidarnosc Place, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 9.(1) of By-law No. 6593 a parking lot used only in conjunction with the uses established on adjoining lands to the east at Nos. 4A, 4B and 4 1/2 Solidarnosc Place shall be permitted;
 - b) That the front yard provisions of Section 9.(3)(i) of By-law No. 6593 shall not apply to the northerly front lot line
 - c) That notwithstanding Sections 18A(11) and (12) of By-law No. 6593 the following special provisions shall apply:
 - 1) That a minimum 1.5 m wide planting strip shall be provided and maintained along the entire northerly front lot line, except for any area used for an access driveway;
 - 2) That a minimum 1.5 m wide planting strip shall be provided and maintained along the westerly side lot line and the southerly rear lot line;
 - 3) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the required 1.5 m wide planting strip along the westerly side lot line and the southerly rear lot line;

- d) That no vehicular access to or egress from the public alleyway at the rear of the property shall be permitted;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-32 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-32 for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That By-law No. 79-275 as amended by By-law 87-223 establishing Site Plan Control, be amended by adding the subject lands to Schedule "A".

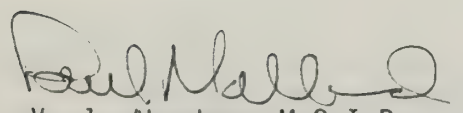
EXPLANATORY NOTE

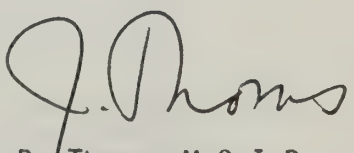
The purpose of the By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at Nos. 2 and 4 Solidarnosc Place, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a parking lot in conjunction with the Polonia Club established on adjoining lands to the east.

In addition, the By-law provides for the following variances as special regulations:

- i) to require no front yard, whereas a minimum front yard of 6.0 m (19.69 ft.) is required;
- ii) to require a minimum 1.5 m wide planting strip along the entire northerly front lot line, except for the area required for an access driveway;
- iii) to require a minimum 1.5 m wide planting strip along the westerly side lot line and southerly rear lot line;
- iv) to require a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within the required 1.5 m wide planting strip along the westerly side lot line and the southerly rear lot line; and
- v) to prohibit vehicular access to or egress from the public alleyway at the rear of the subject property.


J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

The purpose of the proposed modification is to permit the use of the subject properties for parking of automobiles in conjunction with the Polonia Club.

● By-law No. 87-279

At its meeting held on October 13, 1987 City Council passed By-law 87-279 to modify the "C" (Urban Protected Residential, etc.) District to permit a public hall having a gross floor area of 2,300 m² and a capacity of 500 persons, and an accessory office use having a maximum area of 300 m² on adjoining property located at 4A, 4B and 4 1/2 Solidarnosc Place (Polonia Club).

APPLICANT

Polonia Club Limited, owner.

LOT SIZE AND AREA

- 15.24 m (50.0 ft.) of lot frontage on Solidarnosc Place;
- 27.12 m (89.0 ft.) of lot depth; and,
- 413.40 m² (4,450.0 sq.ft.)

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant lands and a single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	St. Stanislaus Church manse and Church	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	St. Ann's Separate School	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" Land Use Concept of the Official Plan, the proposal would not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Stipeley Neighbourhood Plan, the proposal would require redesignation to "Civic and Institutional" to bring the entire holding into conformity.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority, and Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Traffic Department has advised that they:
"...find it satisfactory subject to the provision of parking in accordance with Zoning By-law 6593".
- The Hamilton-Wentworth Engineering Department has advised that:
"...public watermains as well as combined sewers are available to service the subject lands.

The current road width of Solidarnosc Place is (5.24 m (50 feet)). We do not anticipate any further road allowance widenings at this time.

Any works which may occur within the road allowance must conform to the City of Hamilton Street By-law.

Consideration could be given to placing the entire property under site plan to ensure that the parking, access, sight distances, building location and fencing is done in an orderly manner.

The alley to the rear of the subject lands is public unassumed".

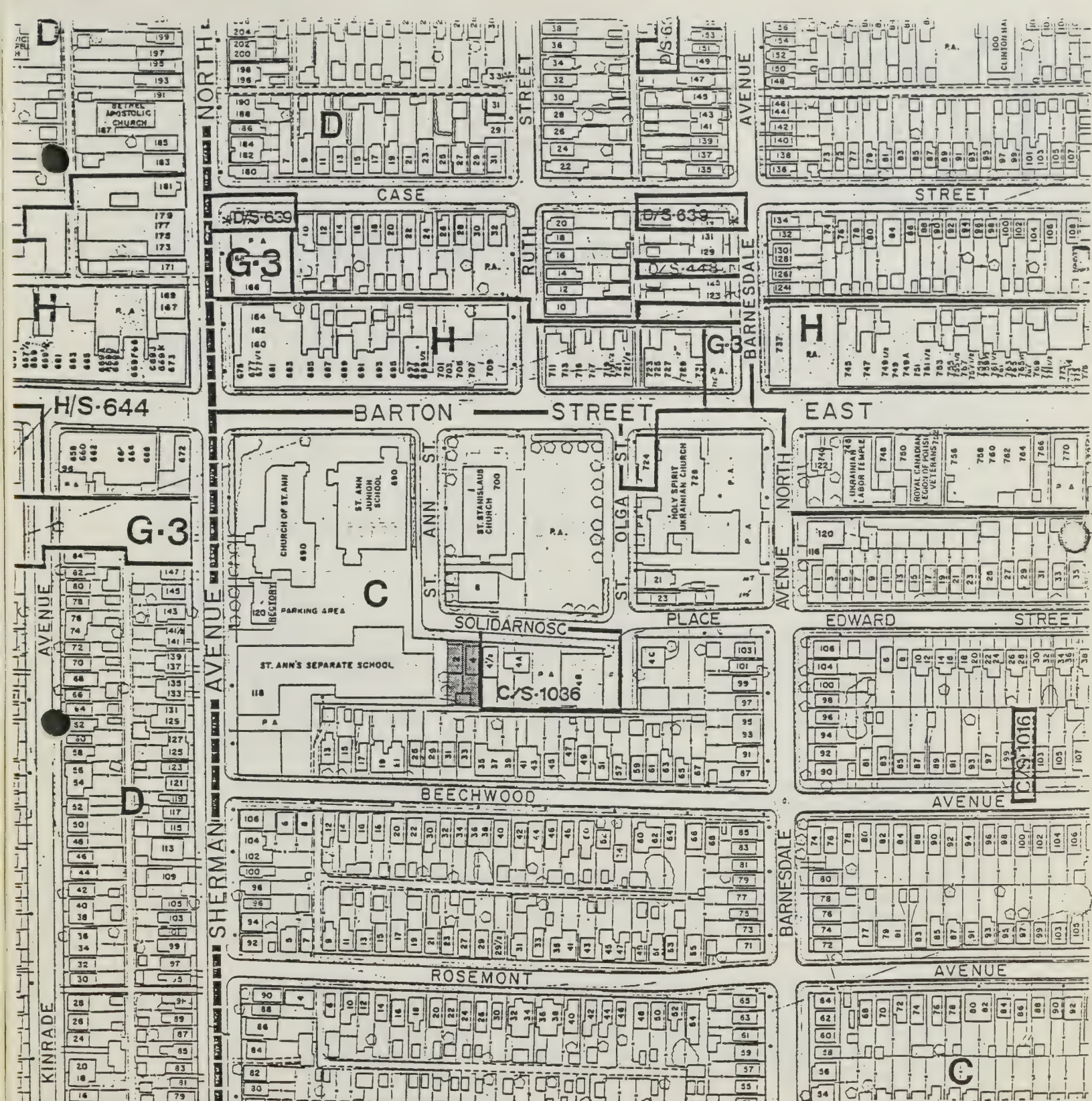
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would involve an amendment to the approved Stipeley Neighbourhood Plan to redesignate the subject lands from "Single and Double" residential to "Civic and Institutional".
3. The proposal has merit and can be supported for the following reasons:
 - the proposed parking lot will be used in conjunction with the Polonia Club located on adjoining lands to the east at Nos. 4A, 4B and 4 1/2 Solidarnosc Place;

- No. 4 Solidarnosc Place was not owned by the Polonia Club at the time the previous rezoning application (ZA-87-66), was approved. Accordingly, the proposal to permit parking at No. 2 Solidarnosc Place was not supported. However, it was understood that once the lands were assembled (i.e. No. 2 and 4 Solidarnosc Place), they could be rezoned to permit expansion of the Club;
 - City Council passed By-law 87-279 which provided for modifications to the established "C" (Urban Protected Residential, etc.) District to permit expansion or replacement of the Polonia Club, subject to a number of variances. The inclusion of the subject property for off-street parking will facilitate the proposed expansion of the Club;
 - the established club has existed harmoniously relative to established uses in this area, and the introduction of parking facilities will only improve the existing situation.
4. In order to provide for comprehensive development of the Polonia Club lands, and to be consistent with the front yard variance for the adjoining lands regulated under By-law 87-279, consideration could be given to a By-law variance to eliminate the required 6.0 m (19.69 ft.) front yard setback applicable to the parking lot in a "C" district. However, it would be appropriate to require a minimum 1.5 m wide planting strip for the parking lot along the entire northerly front lot line, except for any area used as an access driveway.
- In addition to the above noted variance, the parking lot would require a minimum 1.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height along the boundary of the lot adjoining a residential district. It is noted that the subject lands adjoin a "C" (Urban Protected Residential, etc.) District on all four sides. In this regard, it would be appropriate to provide a variance to only require the 1.5 m wide planting strip and the 1.2 m high to 2.0 m high visual barrier to be provided along the southerly rear lot line and the westerly side lot line of the proposed parking lot, because the easterly side lot line adjoins the existing Polonia Club property.
5. To ensure that the alleyway adjoining the parking area remains free and unconstructed for the use of abutting property owners and tenants, it is suggested that the amending By-law restrict vehicular access to or egress from the public alleyway at the rear of the subject property.
6. To provide for a comprehensive development with adjoining lands of the Polonia Club, the site should be placed under site plan control. In this regard, matters dealing with landscaping, parking, grading, fencing, drainage, lighting, etc., can be further reviewed at the site plan stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.



LEGEND



SITE OF THE APPLICATION



F O R A C T I O N

29.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1989 June 1

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:
DEPT. FILE: ZA-89-12
 RIVERDALE
 EAST
 NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning - lands adjacent to 291 Grays Road.

RECOMMENDATION

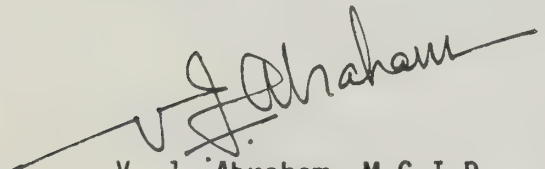
1. That approval be given to Zoning Application ZA-89-12, DeMarchi Construction Limited, Lessee, for a change in zoning from "L-pn" (Planned Development - Public and Institutional) District to "G-3" (Public Parking Lots) District for property located adjacent to 291 Grays Road, which is part of Ontario Hydro lands, as shown on the attached map marked as APPENDIX "A" on the following basis:
 - i) That the subject lands be rezoned from "L-pn" (Planned Development Public and Institutional) District to "G-3" (Public Parking Lots) District;
 - ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - a) That a 1.5 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not greater than 2.0 m in height shall be provided and maintained along and within the westerly, easterly and southerly lot lines of the property being leased from Ontario Hydro, to screen the parking lot from the surrounding residential developments; and,
 - b) That the provisions of Subsection 18A(11) and 18A(12) shall not apply to the subject lands.
 - iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-123 be notated S- ;

- iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-123, for presentation to City Council; and,
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be passed by Council until the applicant has applied for and received approval of a Site Plan.

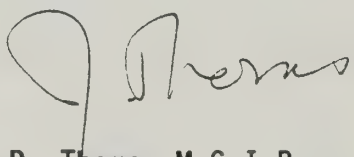
EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "L-pn" (Planned Development - Public and Institutional) District to "G-3" (Public Parking Lots) District for a strip of land adjacent to No. 291 Grays Road, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the lands to be used for parking purposes in conjunction with the existing apartment building at No. 291 Grays Road. In addition, the by-law will require a 1.5 m wide landscaped planting strip, and a visual barrier not less than 1.2 m and not more than 2.0 m in height along the westerly, easterly and southerly lot lines.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

The applicant's intention is to rezone the subject lands from "L-pn" (Planned Development - Public and Institutional) District to "G-3" (Public Parking Lots) District, to permit the use of these lands for parking purposes in conjunction with the apartment building at 291 Grays Road that is owned by the applicant. To this end, the applicant has negotiated a lease agreement with Ontario Hydro for the use of these lands.

- Zoning Application 88-22

Council, on May 21, 1988, approved a similar zoning application (i.e. ZA-88-22) which also involved the Hydro lands at the rear of the property located at 2800 Barton Street East. The effect of that application was to permit a parking lot on the Hydro corridor in conjunction with a restaurant use along the front portion of the property.

APPLICANT

DeMarchi Construction Limited, lessee.

LOT SIZE AND AREA

An irregular-shaped parcel of land with no legal frontage and within the Ontario Hydro Power Line corridor south of Barton Street and east of Bell Manor Street, having approximately:

- 85.2 m (279.53 ft.) in lot width;
- 7.0 m (23.0 ft.) of lot depth; and,
- 0.05 ha (0.13 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Hydro power corridor	"L-pn" (Planned Development, Public and Institutional) District
<u>Surrounding Lands</u>		
to the north	Apartment building and commercial uses	"DE-2" (Low Density Multiple Dwellings) District, modified and "HH" (Restricted Community Shopping and Commercial) District
to the south	Hydro power corridor and townhouses	"L-pn" (Planned Development, Public and Institutional) District and "DE" (Low Density Multiple Dwellings) District, modified

to the east	Hydro power corridor	"L-pn" (Planned Development, Public and Institutional) District
to the west	Hydro power corridor	"L-pn" (Planned Development, Public and Institutional) District

OFFICIAL PLAN

The subject lands are designated "UTILITIES" on Schedule "A" - Land Use Concept. Accordingly, the following policies would apply:

- "A.2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway, warehousing and parking areas; electric power facilities; pipelines and natural gas lines; and major road facilities. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified.
- A.2.7.5 Notwithstanding the permitted uses in Policy 2.7.1 above, additional uses may be permitted on Ontario Hydro lands, where deemed by Council to be compatible with adjacent land uses, by agreement with Ontario Hydro, and subject to the preparation of a Neighbourhood Plan for the affected lands".

The proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "UTILITIES" on the approved Riverdale East Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED

- The Traffic Department has advised that they support the application.
- The following agencies have no comments or objections:
 - Hamilton Region Conservation Authority; and,
 - The City of Stoney Creek.

- Ontario Hydro has advised as follows:

"Please be advised that we have no objections to the approval of the subject document in its present form.

The applicant has been working with our Central Region Office regarding requirements and conditions and has our approval for the proposed use."

- The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains as well as storm and sanitary sewers are available to service the subject lands on Grays Road.

The designated road allowance width of Grays Road is 26.21 m (86 ft.). We do not anticipate any further road widenings at this time."

- The Building Department has advised as follows:

"A visual barrier is required along the lot line adjoining the "DE-2" residential zoning district.

The land known as 291 Grays Road is subject to Schedule "B" of By-law 70-350, therefore the proposed parking layout may affect the zoning requirements."

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal complies with the approved Riverdale Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the parking lot will be used in conjunction with the existing apartment building to the east;
 - the property will be effectively screened and buffered to reduce potential impacts on surrounding residential uses;
 - the proposed parking lot represents additional parking not required for the existing apartment building at 291 Grays Road; and
 - it utilizes vacant hydro corridor lands.
4. The subject lands abut a residential district (i.e., DE-2, modified) to the north. Accordingly, Section 18A of Zoning By-law 6593 requires that certain setback, landscaping and visual barrier must be provided. Given that the proposed parking lot is intended to serve the existing apartment building located in the DE-2 modified District, (i.e., 291 Grays Road) the foregoing provisions should not apply, especially since the proposed parking lot will represent an extension of the existing parking lot located at 291 Grays Road.

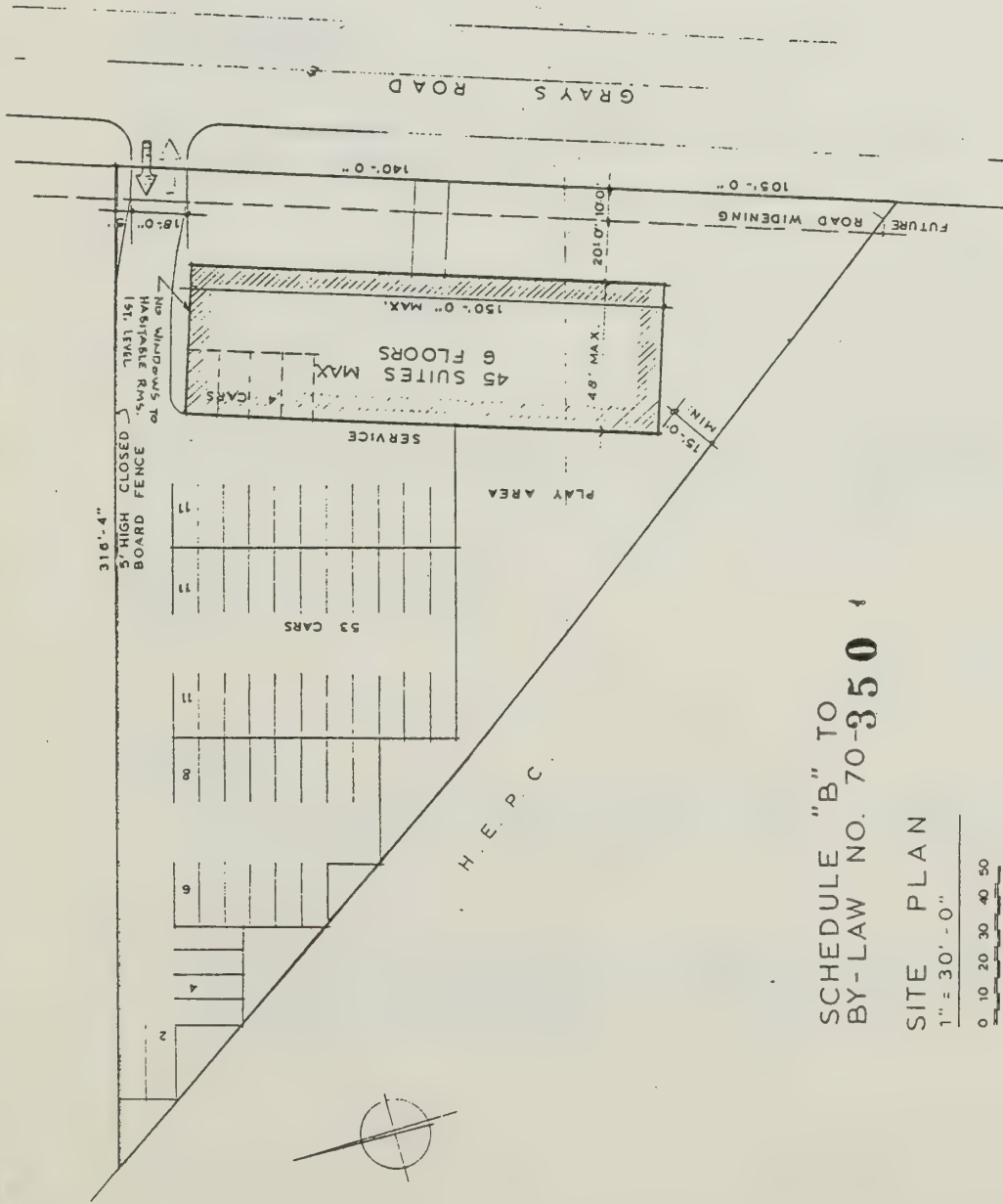
However, the proposed parking lot should be screened from other adjacent properties by a visual barrier of not less than 1.2 m (3.94 ft.) and not more than 2.0 m (6.06 ft.) high along the westerly, easterly and southerly lot line. A visual barrier would ensure privacy and reduce any potential impacts of the parking area to the surrounding residents. In addition, a 1.5 m (4.92 ft.) wide landscaped planting strip should also be provided and maintained within the subject lands adjacent to the westerly, easterly and southerly lot lines to enhance the parking lot area.

5. The applicant should be aware that the abutting residential property (i.e. lands at 291 Grays Road) is subject to the Site Plan annexed as Schedule "B" to By-law 70-350 (see attached APPENDIX "B"). Accordingly, to secure access to the proposed parking lot and accommodate same, on the subject lands, it will be necessary to revise the parking and landscaping layout as indicated on Schedule "B" of By-law 70-350. To this end, the applicant will be required to make an application to the Committee of Adjustment for appropriate variances to By-law 70-350.
6. The "G-3" District is subject to the provisions of Site Plan Control By-law No. 79-275. However, a parking lot does not require a building permit. Therefore, it would be prudent to hold the passing of the By-law in abeyance until the applicant has applied for and received approval of a site plan.

CONCLUSIONS

On the basis of the foregoing, the application can be supported.

HY:CS
Attach.
0118P



SCHEDULE "B" TO
BY-LAW NO. 70-350

SITE PLAN

1" = 30' - 0"

0 10 20 30 40 50

DE - 2 ZONE REQUIREMENTS	
LAND AREA	38,700 ±
BUILDING COVERAGE	7,200 ± max
GROSS FLOOR AREA	38,200 ± max.
BUILDING HEIGHT	6 FL. = 55' max
NO OF UNITS	45 @ 40 / ac. max.
NO OF CARS	57 (125 % min.)
LANDSCAPE AREA	12,200 ± = 31 %

APPENDIX B

T Y M O S H U K &
T Y M O S H U K
a r c h i t e c t s

HAMILTON

MAY 8, 1970

F O R A C T I O N

30.

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

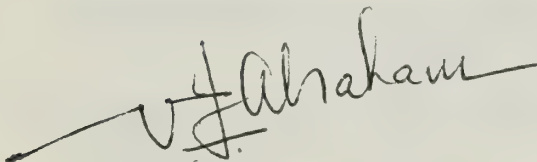
DATE: 1989 May 03
COMM FILE:
DEPT. FILE: P5-2-82


SUBJECT:

Proposed plan for Jerome Neighbourhood.

RECOMMENDATION

That the proposed Jerome Neighbourhood Plan attached as Map 1 and policies be adopted by Council.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- o The Region has installed a trunk sewer in the vicinity of Stone Church Road and Upper James Street, which will service properties in the Jerome Neighbourhood.
- o The Neighbourhood Study was commenced in June, 1987. Background Information was collected on land use, ownership, topography, etc., and a plan and written policies were prepared based on the general guidelines in the Official Plan.

- o The Jerome Neighbourhood Plan attempts to provide a functional and attractive living environment for the residents of the neighbourhood. The proposed plan provides for elementary and secondary public schools, an elementary separate school and park land at the centre of the neighbourhood. The neighbourhood is planned to also include:
 - 1. Predominantly low density residential dwellings;
 - 2. Townhouses and apartments at the south-west corner of the proposed Mountain Freeway and Upper Wellington Street;
 - 3. Institutional and recreational uses at the north-west corner of Stone Church Road and Upper Wellington Street;
 - 4. A fire station north of the institutional and recreational area;
 - 5. A mixture of commercial and apartments at the north-east corner of Stone Church Road along Upper James Street;
 - 6. Neighbourhood commercial on both sides of Chipman Avenue; and,
 - 7. Commercial uses along the remainder of Upper James Street between the proposed Mountain Freeway and 1245 Upper James Street.
- o The road layout has been planned to allow easy access between the interior and the periphery of the neighbourhood and to discourage through traffic.
- o A report was prepared by the Planning and Development Department outlining the proposed Jerome Neighbourhood Plan and recommending that a public meeting be held. This recommendation was approved at the Planning and Development Committee meeting on December 9, 1987.
- o A public meeting was held on February 17, 1988 to discuss the proposed neighbourhood plan.

The following issues were discussed at the public meeting:

- the location of sewer easement and walkway;
- proposed depths of commercial designation for the property at 1221 Upper James Street;
- additional access from the interior of the neighbourhood to Upper James Street;
- the principle of the commercial and apartment development;
- proposed lot depths in general;
- preservation of wooded areas;
- timing of interior sewer system;

- road allowance width for the roads in the interior of the neighbourhood; and,
- objection to the proposed townhouse designation on the former sanitary landfill site on Upper Wellington Street.

ANALYSIS

The Planning and Development Department report dated November 26, 1987, the Minutes of the public meeting and the submissions are available on request from Susan Reeder, Planning and Development Committee Secretary. Map 2 shows the location of submittees.

SUBMISSION REVIEW

ISSUE: Proposed Lot Sizes

<u>Submittees:</u>	1. Mr. M. Shabolou	103 Stone Church Road East
	2. Mr. and Mrs. R. C. Dikson	111 Stone Church Road East
	3. Mr. M. Marshall	123 Stone Church Road East
	4. Mr. and Mrs. R. Rorabeck	131 Stone Church Road East

Concern

Suggest that the proposed road pattern be revised to maintain larger lots. To achieve this objective, the residents suggest that the proposed roads be moved further north onto the Board of Education lands.

Comment

The proposed plan has been revised to retain and permit larger lots.

ISSUE: Mature trees on the sanitary landfill site Upper Wellington Street.

<u>Submittee:</u>	1. Mr. M. Shaboluk	103 Stone Church Road East
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Concern

Suggests that the Park and Recreational area be enlarged to include the mature trees located at the sanitary landfill site which is designated for attached housing in the proposed plan.

Comment

The proposed plan has been amended accordingly.

ISSUE: Access to Stone Church Road East.

Submittees: 5. Mr. S. Cosentino and
Mr. J. Cosentino

163 Stone Church Road East

Concern

Object to the proposed sewer easement, walkway and limited access to Stone Church Road East. They suggest an additional access to Stone Church Road which would eliminate the need for a sewer easement and walkway.

Comment

The proposed plan has been revised to include the additional access as suggested by the Cosentinos.

ISSUE: Sewer easement location and walkway.

Submittee: 6. Mr. and Mrs. A Zimmer

171 Stone Church Road East

Concern

Object to the proposed sewer easement and walkway. Point out that the only vacant land between dwelling and property boundary is the 4' side yard.

Comment

The proposed plan has been revised to include an additional access further west along Stone Church Road. Therefore, the sewer easement and walkway are no longer required.

ISSUE: Walkway location.

Submittee: 7. Mr. and Mrs. R. C. Drumm

179 Stone Church Road East

Concern

Do not object to the proposed sewer easement provided that:

1. They retain ownership of the land; and,
2. The easement land is compensated for at market value. However, they object to the walkway.

Comment

The proposed plan has been revised to include an additional road access further west along Stone Church Road. Therefore, the sewer easement and walkway are no longer required.

ISSUE: Proposed road pattern
Proposed fire station location

Submittees: 8. Mr. and Mrs. R. Campovari 1388 Upper Wellington Street

Concern

Object to the proposed north-south street dividing their property. They suggest instead the extension of the proposed road along the Board of Education site which would allow them to retain and enjoy the present suburban setting. To enhance the traffic movements to and from the neighbourhood they suggest the extension of the proposed east-west road to Upper Wellington Street.

Comment

The roads within the interior of the neighbourhood are designed to limit long straight streets so that the residential environment looks more attractive, traffic speed is controlled and a more direct link through the neighbourhood is avoided.

In addition, the Board of Education have sufficient access to their school land and do not require the additional frontage. Therefore, the road location should remain as shown on the proposed plan.

Concern

Suggest that the proposed fire station as shown on the proposed plan is a poor location choice. Recommend it be relocated to the intersection of Limeridge Road and Upper Wellington Street.

Comment

Fire station sites are selected to be as close as possible to the centre of the district they will serve, for maximum accessibility. The closure of Limeridge Road at Upper James Street would restrict the operation of a fire station at the intersection of Limeridge Road and Upper Wellington Street when the Mountain Freeway is built. The proposed fire station land is owned by the City. The fire station location should remain as shown on the proposed plan.

ISSUE: Proposed road pattern

Submittee: 9. Mr. R. Pecora 1368 Upper Wellington Street

Concern

Suggests a revised road pattern which would eliminate the proposed road adjacent to the Board of Education site and the proposed cul-de-sac as shown on the proposed plan.

Comment

Mr Recora's suggested road pattern would restrict or eliminate the needed road access to the Board of Education site. The road pattern should remain as shown on the proposed plan.

Issues: 1. Townhouse, low density apartment and medium density apartment designations on Upper Wellington Street; and,
2. Wood land north of 1318 Upper Wellington Street.

Submittee: 10. Mr. B. J. Boudreau 1318 Upper Wellington Street

Concern

Objects to the townhouse, low density apartment and medium density apartment designations. Such uses would increase the traffic and are not compatible with the existing development.

Comment

The area north of the stub street should be designated for attached housing, low density apartment and medium density apartment for the following reasons:

- o There is a shortage of developable townhouse sites, low density apartment sites and medium density apartment sites in City. The only remaining sites currently zoned for townhouse are located at:
 - north-west corner of Limeridge Road East and Stone Church Road;
 - both sides of Upper Wentworth Street between Stone Church Road and Rymal Road East;
 - on the east side of Upper Wellington Street between Stone Church Road East and Rymal Raod East;
 - one site is zoned for low density apartments on the east side of Upper Wellington Street between Stone Church Road East;
 - one site is zoned for medium density apartments on the west side of Upper Wentworth Street, 200 feet north of the north-west corner of Upper Wentworth Street and Rymal Road East;
- o The proposed site is appropriate for multiple residential development, since it is located at the perimeter of the neighbourhood and at the intersection of an arterial road and a midblock collector road. Townhouse and low density development is planned to the east in the Crerar Neighbourhood;
- o Higher density housing is appropriate close to Limeridge Mall and with good access to the proposed Mountain Freeway.

- o The designations provide a mixture of housing in the area; and,
- o The density of the neighbourhood plan is people per gross residential acre which is less than the maximum of 35 people per gross residential acre called for in the Official Plan.

Concern

Objects to the destruction of the woodland. Suggests that the woodland should remain a sanctuary for wildlife and an attraction for our community for generations to come.

Comment

The proposed plan has been amended to preserve the City owned wooded area. A park designation for the area to the north of the woodland is appropriate since this is on landfill. In addition, we have designated the area south of the City owned land for larger lots which will help to preserve some of the private wooded area.

ISSUE: Depth of Commercial designation on Upper James Street

Submittee 11. Mr. Ed Martin of Consultistics
on behalf of 814906 Ontario
Inc. of 1151-1171 Upper James Street

Concern

Suggests that the 400 foot lot depth should be increased to 500 feet to accommodate commercial parking.

Comment

The proposed 400 foot lot depth along Upper James Street should provide room to accommodate anticipated parking. Any additional parking required could be expanded to the north of the existing parking lot.

ISSUE: Commercial and Apartment designation and,
Upper James Street design guidelines

Submittee 12. V. E. Holdsworth
representing purchaser of 1341 Upper James Street

Concern

Opposes the commercial and apartment land use designation and the Upper James Street design guidelines which he feels are inconsistent with the existing development of Upper James Street. Points out that this is the only intersection along Upper James Street designated for commercial and apartments. Suggests that the land should be designated for commercial only and not be subject to the Upper James Street design guidelines as proposed.

Comment

A residential use mixed with commercial would provide potential for much needed affordable housing. Using the site for both residential and commercial would provide an efficient use of the site. Therefore, the designation should remain.

The design guidelines should remain to provide a consistent approach to an important entrance into Hamilton.

ISSUE: Effort Gardens Draft Plan of Subdivision

Submittee: 13. Arthur Weisz

Concern

Submitted a Draft Plan of Subdivision for Effort Gardens including 90 single family lots.

Comment

The Draft Plan as submitted would conform with the revised proposed plan.

CONCLUSION

The attached neighbourhood plan and policies should be adopted. The neighbourhood plan has been redesigned to accommodate the need to:

- preserve the woodlot and other vegetation;
- provide a proposed fire station;
- for changes to proposed road pattern to suit property owners;
- have a satisfactory traffic circulation including a second access from the interior of the neighbourhood to Stone Church Road; and,
- provide for a mix of housing types.

A possible bikeway route has also been identified along Chipman Avenue, Ridge Street and the proposed new road system, to enable development of an appropriate link to the City-wide system for bicycle users.

DG/GG:dkp
Attach.

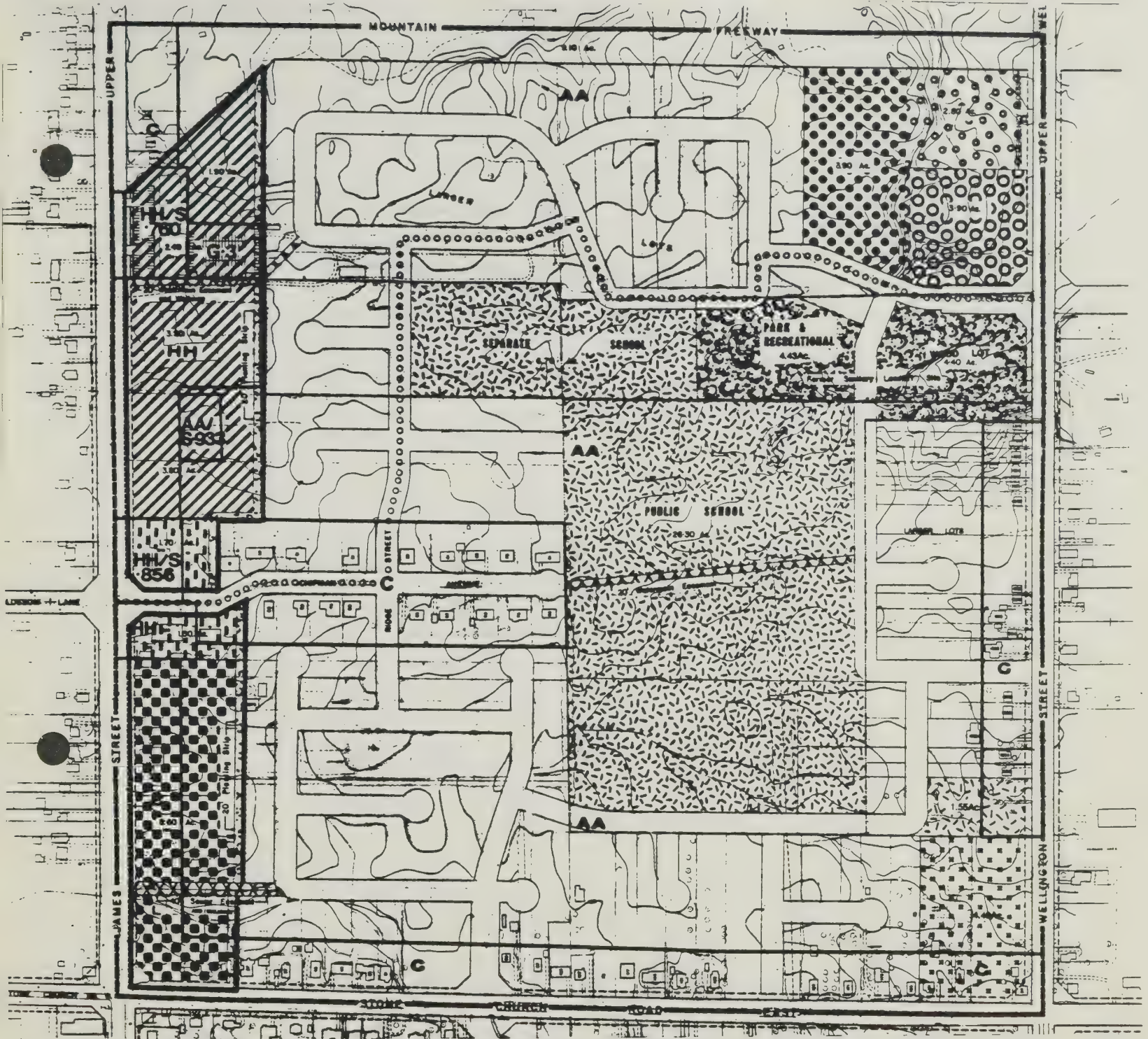
WP 0021P

LIST OF SUBMITTEES

1. Mr. M. Shaboluk	103 Stone Church Road East
2. Mr. and Mrs. R. C. Kickson	111 Stone Church Road East
3. Mr. R. Marshall	123 Stone Church Road East
4. Mr. W. Rorabeck	131 Stone Church Road East
5. Mr. S. Consentino and Mr. J. Consentino	163 Stone Church Road East
6. Mr. and Mrs. A. Zimmer	171 Stone Church Road East
7. Mr. and Mrs. R. C. Drumm	179 Stone Church Road East
8. Mr. and Mrs. R. Campouari	1388 Upper Wellington Street
9. Mr. R. Pecora	1368 Upper Wellington Street
10. Mr. B. J. Boudreau	1318 Upper Wellington Street
11. Mr. Ed Martin of Consultistics on behalf of 814906 Ontario Inc.	1151-1171 Upper James Street
12. Mr. V. E. Holdsworth	1341 Upper James Street
13. Mr. A. Weisz, Subdivider Effort Gardens	

LIST OF CITIZENS REQUESTING NOTIFICATION OF MEETING

Mr. R. Outlaw	311 Wilson Street, Ancaster, Ontario L9G 2B8
Mr. H. Vande Kurt Jr.	19 Millar Drive Ancaster, Ontario L9G 2H9
Maria Verschoor	143 Chesley Street Hamilton, Ontario L9C 3W2
Mr. R. Backer	60 Robinson Street Apt. #207 Hamilton, Ontario L8P 1Y9
Mr. L. Pietrodazo	38 Skyview Drive Hamilton, Ontario L9B 1X5
Dr. D. L. Spicer	6 Fieldstone Circle Brantford, Ontario N3R 6S7
Miss Terri Lyn Johns	May, Pirie & Associates Ltd. 3310 South Service Road Burlington, Ontario L7N 3M6
Mr. A. Zipeto	10 Atlas Drive Stoney Creek, Ontario L8J 2B8
Case Gladys Estate	211 Stone Church Road East Hamilton, Ontario L9B 1Z8



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND:

- SEPARATE SCHOOL LANDS
- PUBLIC SCHOOL LANDS
- FORMER SANITARY LANDFILL SITE
- POSSIBLE BIKEWAY ROUTE
- AREA SUBJECT TO URBAN DESIGN GUIDELINES

MAP No. 1

EXISTING POPULATION (1986) 186

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- ▨ COMMERCIAL (GENERAL)
- ▨ NEIGHBOURHOOD COMMERCIAL
- ▨ CIVIC & INSTITUTIONAL
- ▨ PARK & RECREATIONAL
- ▨ OPEN SPACE
- ▨ UTILITIES
- ▨ INSTITUTIONAL & RECREATIONAL

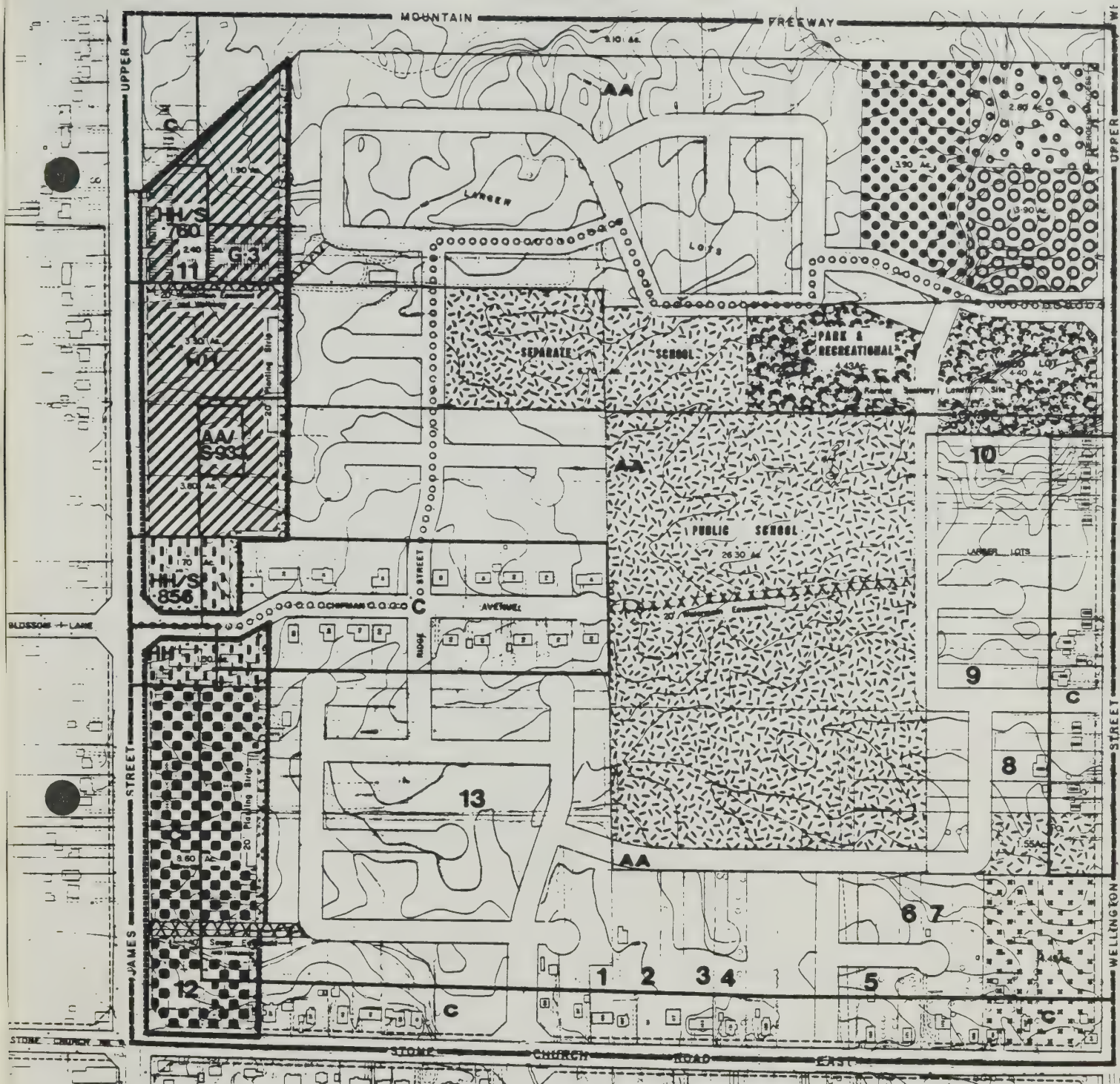
- Neighbourhood Boundary
- Zoning Boundary

Approvals
Planning Committee Council
Latest Revision Date

CITY OF HAMILTON
PLANNING DEPARTMENT

JEROME
PROPOSED PLAN





NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND:

- SEPERATE SCHOOL LANDS
- PUBLIC SCHOOL LANDS
- FORMER SANITARY LANDFILL SITE
- POSSIBLE BIKEWAY ROUTE
- AREA SUBJECT TO URBAN DESIGN GUIDELINES
- 1 - 13 LOCATION OF SUBMITTEES

MAP No. 2

EXISTING POPULATION (1988) 1886

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

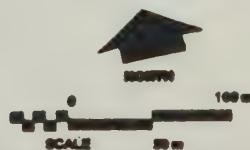
- ▨ COMMERCIAL (GENERAL)
- ▨ NEIGHBOURHOOD COMMERCIAL
- ▨ CIVIC & INSTITUTIONAL
- ▨ PARK & RECREATIONAL
- ▨ OPEN SPACE
- ▨ UTILITIES
- ▨ INSTITUTIONAL & RECREATIONAL

- Neighbourhood Boundary
- Zoning Boundary

Approvals
Planning Committee Council
Latest Revision Date

CITY OF HAMILTON
PLANNING DEPARTMENT

JEROME
PROPOSED PLAN



JEROME NEIGHBOURHOOD PLAN
POLICIES

May 1989
W.P. DOC. 0058P

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I INTRODUCTION

The Jerome Neighbourhood Plan consists of a detailed land use plan and policy framework to guide development of the neighbourhood.

The Plan includes:

- 1) A map which defines the land use pattern and road pattern.
- this is contained in Appendix A - Proposed Plan.
- 2) A set of written policies which describe in detail the nature of development and the actions required to implement the plan.
- this is contained in Section VI - Neighbourhood Plan.

This report contains the neighbourhood plan and a summary of the associated background information. It describes the reasons for the preparation of the plan, and outlines the existing planning policies which affect the neighbourhood. It describes the location and nature of Jerome and puts the plan into the context of the overall neighbourhood planning process. The plan includes goals, objectives, policies and actions related to the development of the neighbourhood.

II BACKGROUND

The Jerome Neighbourhood Plan is being prepared at this time due to the current extension of municipal services to this area.

Development of the southern section of Jerome will be possible within the next year, because of the extension of trunk sewer services which is currently underway. The northern section of the neighbourhood will also be provided with complete sewer services within the next several years.

A Neighbourhood Plan for Jerome is required to provide a detailed land use plan and help ensure the orderly development of the neighbourhood.

III EXISTING POLICY

The existing planning policy for the Jerome Neighbourhood is based primarily on the Hamilton Official Plan. There are also two amendments to the Official Plan, which describe the timing and nature of development in the South Mountain area along Upper James Street. Existing policy is also contained in policies on multi-centres, and studies on energy efficient neighbourhood planning.

A. City of Hamilton Official Plan

The City of Hamilton Official Plan is a comprehensive policy document which provides guidance for the development of the entire city.

The Plan includes policies which address:

- an overall land use concept, including guidelines for the development of all land use types;
- a strategy for the provision of municipal services such as engineering services and transportation facilities
- policies to help ensure the provision of appropriate amenity and design, including community services such as parks and schools, attractive residential environment, etc; and,
- the procedures for implementation of these planning policies.

Many of the Official Plan policies are relevant to the preparation of the various components of neighbourhood plans. The following sections of the Plan are of particular relevance:

- Subsections A.2.1 through A.2.6: policy considerations for various land use types;
- Subsection C.7: policies for provision of amenity in residential environment and housing; and,
- Subsection D.2: considerations for the preparation of neighbourhood plans.

The Official Plan therefore provides guidance for the preparation of planning policies for the Jerome Neighbourhood, for all types of land uses which are anticipated. Policies on the anticipated staging of development were also included in the original plan, although these have been modified by subsequent amendments.

B. Official Plan Amendments

Several amendments have been made to the Official Plan since the time of its preparation, which affect the timing and nature of development in the Jerome Neighbourhood. As a result, these lands will be developed earlier than originally anticipated.

Official Plan Amendment No. 22 enabled the development of the South Mountain area, including the Jerome Neighbourhood, earlier than originally anticipated. This was made possible due to the elimination of the staging policies in the Official Plan and the extension of the trunk sewer to the Mountain Transit Centre at Highway 6 and Twenty Road. O.P.A. No. 22 was passed by Council on September 25, 1984, and approved by The Ontario Municipal Board on September 12, 1985. A special study, the "Upper James - South Mountain Area Study" was initiated to determine the best uses for lands adjacent to Upper James Street, including those in the Jerome Neighbourhood.

Official Plan Amendment No. 28 was prepared to define the specific types of commercial land uses to be permitted along the Upper James Street corridor. This amendment was passed by Council on October 29, 1985, and approved by the Minister of Municipal Affairs in mid-August, 1986. Land use designations along Upper James Street in the southern portion of the Jerome Neighbourhood were changed from "Residential" to "Commercial". The lands to the rear of the former Ridge Public School were also redesignated from "Major Institutional" to "Residential", to permit a possible future change in the use of this site.

Several special policy areas were established by O.P.A. No. 28, as defined in Appendix "A" of this plan, which includes a copy of the amendment and the related map. Subsection (ii) of policy A.2.9.3.26 expands upon the Commercial policies of the Official Plan as they apply to this portion of Upper James Street by introducing Special Policy Areas in the Jerome Neighbourhood, as follows:

- Area 31 - Includes all lands along the Upper James Street frontage within Jerome Neighbourhood.
 - Permits a wide range of commercial uses including retail and service uses catering to the travelling public and the daily needs of the adjacent residents.
- Area 31a - The southwest portion of Jerome, along the southern half of the Upper James Street frontage from south of Chipman Avenue to Stone Church Road.
 - Encourages mixed Commercial/Residential uses, of a height, intensity, and scale compatible with surrounding commercial and residential development (see Official Plan Policy A.2.2.36).
- Area 31c - The mid block node, on Upper James Street, just north and south of Chipman Avenue.
 - Encourages neighbourhood-based retail and service uses, catering to the adjacent residential areas. Development may take place east-west along the collector road, i.e. Chipman Avenue.

O.P.A. No. 28 also states that the Jerome Neighbourhood Plan must consider a number of design features to help ensure well-planned design. These are noted in Subsection (iii) of Policy A.2.9.3.26 in Appendix "A" of this report, and include items such as:

- the extent of various types of commercial land use;
- lot depths, frontages and building setbacks; and,
- the location of access points, the extent of shared access and the use of service roads.

Several other policies are also contained in O.P.A. No. 28, dealing with preparation of neighbourhood plan and related policies. Design guidelines are to be prepared in conjunction with the neighbourhood plan, to minimize conflicts between commercial and residential areas, enhance the visual appearance of the streetscape, and provide pedestrian linkages. A co-ordinated approach to the redevelopment of the area will be encouraged, by means of co-operation between adjacent property owners in matters of design. Urban Design Guidelines have been prepared for the South Mountain section of Upper James Street, to fulfill these requirements. These have been used in the preparation of the Ryckmans and Mewburn Neighbourhood Plans. These guidelines are contained in Appendix "B" of this report, and outline the design of development for the three types of commercial uses in this section of Upper James Street.

There are two additional special policy areas within the Jerome Neighbourhood, as contained on Schedule B-2 in the Hamilton Official Plan, which may be described as follows:

- Special Policy Area 21 permits the development of a Community Shopping Centre at the intersection of Stone Church Road and Upper Wellington Street. Official Plan policies A.2.2.8(iii) and D.2.5(x)(a) contain details concerning size and design standards for such a shopping centre.
- Special Policy Area 23 permits the development of a Convenience Shopping Centre at the intersection of Stone Church Road and Upper James Street. Official Plan policies A.2.2.8(v) and D.2.5(x)(c) contain details concerning the size and design standards for this type of shopping centre.

C. Multi-Centre Policies

Two multi-centres are to be developed within the Jerome Neighbourhood, as defined by the following policies.

Subsection D.2 of the Hamilton Official Plan states that up to four developing residential neighbourhoods will be grouped to form larger planning districts named "Communities". Multi-centres will be designated at the centre of these communities, containing a variety of land uses to meet the needs of residents in the community, such as the following:

- commercial shopping centres;
- community facilities such as libraries, secondary schools, parks, churches and community centres;
- multi-family residential development; and,
- land uses providing employment opportunities.

The Jerome Neighbourhood has been included with the adjacent Crerar, Barnstown and Ryckmans Neighbourhoods to the east and south to form a community according to Schedule G of the Official Plan. The Ryckmans Multi-Centre is located at the centre of this community, at the intersection of Upper Wellington Street and Stone Church Road. The Ryckmans Multi-Centre Plan was approved by Council on July 28, 1981. It designates the lands at the southeast corner of the Jerome Neighbourhood for "Institutional and Recreational" uses. A copy of this plan is included in Appendix "C" of this report.

Multi-centre uses will also be permitted in the vicinity of Upper James Street and Stone Church Road, in the southwest corner of the Jerome Neighbourhood. Official Plan Amendment No. 28 introduced such uses in this area, to replace the Sheldon Multi-Centre originally proposed for the intersection of West Fifth Street and Stone Church Road. Uses such as institutional, recreational and medium density residential will be permitted in this new multi-centre, to reinforce the commercial corridor along Upper James Street.

D. Energy Efficient Design

Maximizing the use of passive solar energy for heating is an important consideration in the design of Hamilton neighbourhoods. Research undertaken by the Planning Department has identified design criteria and methodologies which take into account environmental factors such as climate and topography. This approach can be used to help develop an energy efficient street alignment and land use pattern for the neighbourhood. These guidelines are described in the Background Report for the Jerome Neighbourhood, and have been used in the preparation of the Plan.

IV NEIGHBOURHOOD PLANNING PROCESS

The preparation of neighbourhood plans involves several stages, including data collection, draft plan preparation, public review, plan revision and adoption of the final plan. The following steps are involved in the process:

The Background Information Report is prepared as the first step. Information on all aspects related to planning of the neighbourhood is collected and summarized in report form. This includes population data, existing land use, municipal services and existing planning policies. The opportunities and constraints to development identified in this report form the basis for the preparation of the Plan.

The draft Neighbourhood Plan consists of the land use map and written policies contained in this report. The policies are based on neighbourhood planning principles and attempt to provide desirable features such as safety, convenience and energy efficiency. For each land use type, objectives and policies are defined and specific actions are identified to assist in implementation.

A public meeting is held to discuss the details of the proposed plan with area residents and landowners. All landowners within the neighbourhood are notified of this meeting. Citizens are invited to provide the Planning Department with any comments they have regarding the proposed plan.

Revision and adoption of the Neighbourhood Plan follows, based on the public review of the draft plan. Comments and submissions from the public and from staff departments are incorporated into the Plan, where possible. The final plan is presented to the Planning and Development Committee for review and approval, and then to City Council for adoption. Official Plan amendments and zoning changes may be considered at the same time that the plan is adopted, or at a later date.

V DESCRIPTION OF THE STUDY AREA

The Jerome Neighbourhood is located in the south Mountain area of Hamilton. It is bounded by the proposed Mountain Freeway to the north, Upper Wellington Street to the east, Stone Church Road to the south, and Upper James Street to the west. The neighbourhood is rectangular in shape, and approximately 73 hectares (180 acres) in area.

The existing land use in the neighbourhood includes a mixture of developed and undeveloped areas. Along Upper James Street, the frontage has been developed for a variety of highway commercial, institutional and residential uses, on lots of various sizes and shapes. Single family homes have been built on large lots along Chipman Avenue, which extends from Upper James Street to the center of the neighbourhood. Single family residential development on deep lots is also found along most of the frontage along Upper Wellington Street and Stone Church Road, although there are some undeveloped portions.

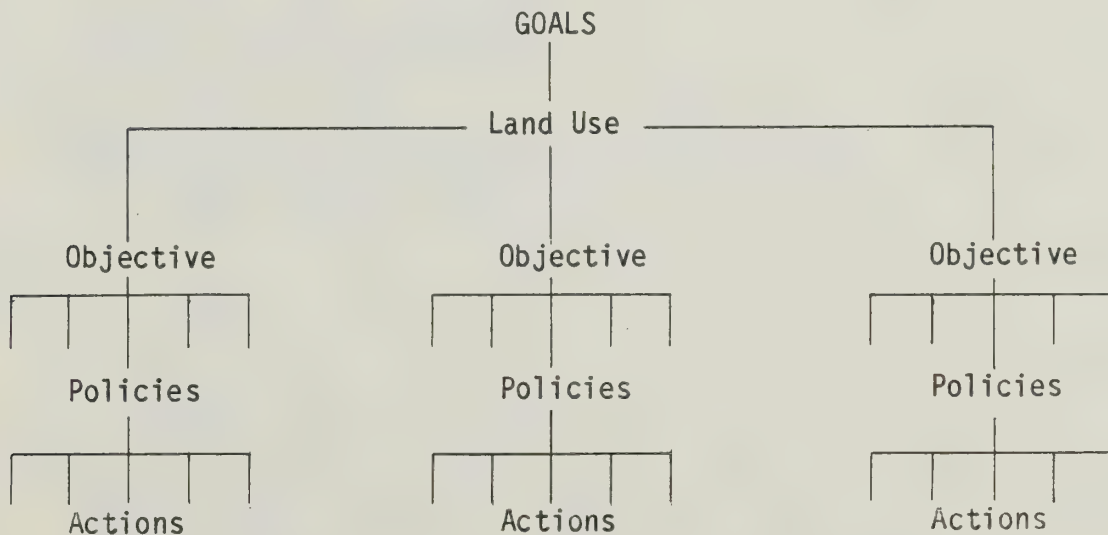
The interior of the neighbourhood is mainly agricultural and vacant land at present, with the exception of small woodlots and areas of scrub.

VI NEIGHBOURHOOD PLAN

The Jerome Neighbourhood Plan is a guide for the future development within the area, which builds on the framework provided by the City of Hamilton Official Plan and other planning policies.

The Plan includes:

- 1) A map of the land use pattern and the street pattern; and
- 2) A set of written policies which translate broad goals and objectives into specific policies and practical actions. The hierarchy of policy types is shown in the figure below.



The goals represent the broad overall aims for the Neighbourhood. The objectives are more specific focussing on the aims for each land use. The policies are the governing principles through which the objectives may be achieved. Finally, the actions refer to particular initiatives which the City and/or other agencies must undertake to implement the established objectives and policies.

A) Goals

There are three major goals which the Jerome Neighbourhood Plan attempts to achieve, namely:

- 1) neighbourhood self-sufficiency;
- 2) efficient and attractive design; and,
- 3) a viable commercial area on Upper James Street.

The neighbourhood will provide for the needs of its residents, as much as possible within a primarily residential area. The Plan contains a broad range of land use designations, to help ensure that community services such as schools, parks and neighbourhood retail and personal services are provided.

The neighbourhood will be developed in an efficient and attractive manner. Energy efficient design to allow use of passive solar heating, consideration of cost effectiveness, convenience and safety have been considered in the design of the road pattern and lot layout as much as possible given constraints such as existing development. The neighbourhood will be developed to be visually attractive and the unique character of the area will be highlighted.

The Upper James Street corridor will be developed in a manner which recognizes its role as an important entrance into the city, and as a viable commercial area. Commercial uses will be encouraged here which do not duplicate concentrations of other commercial types found in the surrounding area, such as the highway commercial area further north on Upper James Street. Urban design guidelines, contained in Appendix "B" of this report, have been prepared to help ensure an orderly and attractive streetscape for this corridor, to implement the proposed pattern of commercial types.

B) Objectives, Policies and Actions

1. RESIDENTIAL

Objective 1 - Provision of a Variety of Housing Types

The Jerome Neighbourhood should provide a variety of housing, of different types, densities, and in different price ranges. These housing types should be in keeping with the basically suburban character of this area on the South Mountain.

Policies

- 1) Future residential development in the Jerome Neighbourhood will include a variety of densities, within the low and medium density categories.
- 2) These different residential density types will be arranged throughout the neighbourhood so as to minimize land use conflicts and through traffic. For example:
 - single and double housing will be located principally in the interior of the neighbourhood, and adjacent to abutting low density areas.
 - medium density uses will be located along arterial roads, at the edges of the neighbourhood.
- 3) Housing developments will be encouraged which provide a variety of housing types, including the following:
 - single family homes on large and medium sized lots;
 - semi-detached homes;
 - townhouses, possibly including both row and street townhouses. These may be either for purchase or for rental;
 - low density apartments; and,
 - medium density apartments.

- 4) Housing within a variety of price ranges will be encouraged. In addition to open market units, consideration will be given to the provision of assisted housing units with Jerome.
- 5) Residential lots will be developed in a variety of sizes. Consideration will be given to developing larger lots in the interior of the neighbourhood, which is an attractive location in terms of privacy and quietness. In some of the areas where large lots have already been established, these will be maintained.

Actions

- 1) City Council will direct the Planning Department to designate areas within the Jerome Neighbourhood for a variety of residential densities, by means of the Neighbourhood Plan. These will include densities of between six and 40 units per gross acre, to accommodate development ranging from single family homes to medium density apartments.
- 2) City Council will direct the Planning Department to use appropriate criteria in determining the location and design of residential uses of different densities. For example:
 - attached housing and other medium density uses will be located only adjacent to arterial roads, or on collector roads close to arterials.
 - the number of vehicular access points to medium density developments will be limited, and will be connected into the road network with regard to the safe and efficient operation of the roadways.
- 3) City Council, by means of the Planning Department will utilize the zoning by-law requirements, the subdivision approval process and site plan control to help ensure that all residential developments are appropriately designed. This will include such considerations as setbacks, lot size, servicing requirements, access, landscaping, buffering, etc. Site plan control is applicable for all residential development except for single family and two family dwellings.
- 4) City Council, by means of the Planning Department, the Municipal Non-Profit Housing Corporation and liaison with private non-profit housing groups, will investigate the potential of using medium density residential sites in Jerome for the provision of assisted housing.
- 5) City Council, by means of the Planning Department, will encourage developers to submit plans of subdivision which provide a housing mix which implements the neighbourhood plan designations, and which provides a variety of housing types, price ranges and lot sizes. The existing large lots along Chipman Avenue are proposed to be retained.

Objective 2 - Compatibility of Residential Environment

The residential development in the Jerome Neighbourhood should be planned and designed so as to be compatible with the surrounding environment, including existing and planned residential, commercial, transportation and other uses.

Policies

- 1) New residential development will be compatible with adjacent residential and commercial development, in terms of density, height, lot size and shadow effects. Compatibility will be especially important adjacent to existing residential areas, and new commercial uses.
- 2) New residential development located adjacent to the proposed Mountain Freeway will be protected from excessive traffic noise.
- 3) Employment uses which are compatible with residential areas, such as home occupations, will be considered for inclusion in the residential areas of Jerome.

Actions

- 1) City Council, by means of the Planning Department, will ensure the compatibility of new residential development. This will be done through the processes of subdivision approval and site plan control. Urban design guidelines for the Upper James Street corridor will also be used to help ensure compatibility at the interface of the commercial and residential areas, by means of buffering features such as landscaped strips.
- 2) City Council will request the Engineering and Planning Departments to implement the appropriate noise-buffering features for properties abutting the proposed Mountain Freeway on the northern edge of the Jerome Neighbourhood, by means of such processes as subdivision approval. A 15.24 m (50 ft) noise berm easement on all residential lands adjacent to the Freeway and the ramps will continue to be required as a condition of development approval. The first row of residential lots adjacent to the freeway will be a maximum of 150 ft. in depth.
- 3) The City, by means of the Planning Department, will evaluate proposals for employment uses such as home occupations on an individual basis. Only uses which do not detract from the predominantly residential character of the neighbourhood will be permitted.

Objective 3 - Utilization of Passive Solar Energy

Residential development should be designed so as to maximize the use of passive solar energy, by utilizing natural features such as topography and solar exposure.

Policies

- 1) Buildings will be encouraged to have a southern orientation in order to maximize the energy received from solar radiation.
- 2) New buildings should be situated to minimize shadow impacts on adjacent dwelling units.
- 3) Subdivision plans which utilize existing and proposed vegetation, topography and microclimate to their advantage will be encouraged.

Actions

- 1) The City will design the internal road pattern of the Neighbourhood based on topographic analysis, to maximize cost effectiveness, in accordance with accepted geometric design standards. New roads will be oriented in an east-west direction, as much as possible, to maximize southern exposures.
- 2) The City will incorporate energy efficient planning as an integral part of residential subdivision plans and site plan agreements, where applicable. Both subdivision and site plans will include detailed designs for streets, lots, building location and orientation, shadow and wind effects, vegetation, solar access, and impacts on surrounding lots.
- 3) The City will encourage developers and home owners to plant deciduous trees on the south faces of buildings to promote shading in the summer and light access in the winter. Similarly, coniferous trees should be located on the north faces for cooling and heating purposes. Mature trees will be retained wherever possible.
- 4) The City will encourage developers to apply the research conducted by the Planning and Development Department on site design (e.g. orientation toward the sun and wind) for their site plans and building designs.
- 5) The City will encourage developers to minimize regrading and to take advantage of existing topography in their subdivision designs.
- 6) The City will request developers to redesign subdivision plans which are not cost efficient, in terms of fuel and solar energy savings, as determined from solar efficient design analysis.

Objective 4 - Use of Innovative Housing Design

A variety of new and innovative housing types and building lots will be investigated and encouraged, where appropriate. Housing will be encouraged which is efficient in terms of conservation of energy and optimal use of land. The ease of conversion to suit changing preferences in terms of housing size will also be considered.

Policies

Innovative housing types including "key-shaped" lots, small-lot and zero-lot line single family dwellings and earth-sheltered housing will be encouraged, to enable conservation of energy and land.

Actions

- 1) The City, in co-operation with interested developers and/or builders, will investigate cost-sharing arrangements with senior levels of government in order to construct one or more of the innovative housing types mentioned above.
- 2) The City will investigate modification of the existing zoning by-law requirements for individual residential developments where analysis shows sufficient cost effectiveness.

2. COMMERCIAL

Objective 1 - Upper James Street Commercial Area

The Upper James Street Corridor should be recognized as a special commercial area of city-wide significance. High standards for development design should be utilized, to reflect the importance of this area as one of the major entrances to the City. The commercial uses in this section should be planned to minimize duplication of commercial types provided in the surrounding area. Neighbourhood commercial areas to serve the needs of adjacent residents should also be provided.

Policies

- 1) A variety of appropriate types of commercial development will be provided along Upper James Street in the Jerome Neighbourhood, namely:

- Commercial - General
- Commercial and Apartments
- Neighbourhood Commercial

The location of these commercial types will be determined by existing policies and Official Plan amendments.

2. The design of commercial establishments will be co-ordinated and standardized to ensure that this area is both attractive and functional. Features such as uniform setbacks, front and rear landscaping, limited vehicular access, etc. will be incorporated as part of this uniform design, as described in Appendix "B".
3. The consolidation of properties designated for commercial use along Upper James Street will be encouraged, to allow for implementation of urban design guidelines. Consolidated development with lot widths of at least 30 m (100 feet) will be encouraged.
4. Driveways providing vehicular access to the commercial properties along Upper James Street will be limited in number, to minimize traffic conflicts. Adequate parking facilities will be provided to the front and/or rear of the commercial buildings, in accordance with the urban design guidelines included in Appendix "B".
5. Guidelines for the design of signs for commercial and related establishments along Upper James Street will be prepared in future, to help ensure some measure of uniformity and aesthetic design.
6. Existing commercial uses which differ in type from the proposed uses will be allowed to remain. The above policies will be used to guide new development.

Actions

- 1) City Council will direct the Planning Department to designate areas within the Jerome Neighbourhood for several different types of commercial uses, by means of the existing Official Plan and the proposed Neighbourhood Plan. The Planning Department will ensure that proposals for commercial development of various types are directed to appropriate areas in Jerome.
- 2) City Council will request Planning and other Departments to use the Urban Design Guidelines for Upper James Street, as contained in Appendix "B" of this report, in finalizing the design of new commercial developments in this corridor. By means of the rezoning and site plan approval processes, these guidelines will be used to help ensure that:
 - uniform building setbacks and front landscaping areas are achieved to provide an attractive streetscape;
 - adequate rear landscaping areas, yards and fences are provided as a buffer for adjacent residential uses; and,
 - vehicular access includes a limited number of front driveways, continuous front parking areas linked by a north-south laneway, as well as rear parking areas and laneways.

These guidelines will be subject to ongoing review, to ensure that they result on developments which are compatible with adjacent uses.

- 3) City Council, by means of the Planning Department, will encourage the developers of these commercial lands to submit proposals which are compatible with those of adjacent developers or property owners in terms of vehicular access points and continuous north-south laneways, architectural design of buildings, landscaping, etc.
- 4) The City, by means of the Planning Department, will encourage property owners to develop their commercial lands in conjunction with the lands of adjacent owners, to provide continuity of design. Lot widths of at least 30 m (100 ft.) will be encouraged. Consideration will be given to the reduction of this minimum width, in special cases where existing lots are very narrow, and consolidation is not possible.
- 5) City Council, by means of Planning and other Departments, will encourage the provision of as few as possible vehicular accesses from Upper James Street, to minimize traffic conflicts. A continuous north-south laneway or service road will be used to connect adjacent properties.
- 6) City Council will require the provision of adequate parking for all commercial establishments. In particular, applications for office uses, clubs, restaurants, entertainment facilities and recreational uses will be required to provide adequate parking, to meet the high parking needs of such uses.

- 7) City Council will request the Planning Department to prepare guidelines for the design of signs for commercial and related establishments along Upper James Street, at a future date. This analysis would help fulfill the objectives of the Official Plan Amendment for the area, namely to provide guidelines to enhance the visual amenity of the entire southern Upper James Street frontage. These guidelines may include consideration of such specifications as height, size, setback and materials, to help ensure aesthetic design.

Objective 2 - Specific Types of Commercial Areas

The commercial areas within Jerome will include three specific types of commercial uses, to meet the various needs of city-wide and neighbourhood residents.

Policies

- 1) General Commercial uses will be developed within the northern section of the Upper James Street Corridor (from the proposed Mountain Freeway to north of Chipman Avenue). These will include a broad range of commercial uses, with few restrictions, to complement the other types of existing highway commercial uses further to the north and the proposed commercial types to the south, namely commercial and apartment, and neighbourhood commercial uses.
- 2) Commercial and Apartment uses will be developed within the southern section of the Upper James Street Corridor from south of Chipman Avenue to Stone Church Road. These will include developments with first floor commercial establishments, including retail and other general commercial uses. The developments will be strongly encouraged to include two to four storeys of residential apartments on the upper floors. This will help increase the supply of needed rental accommodation, as well as complementing other commercial types. The provision of adequate parking will be an important requirement in this area.
- 3) Neighbourhood Commercial uses will be developed within the center of the Upper James Street frontage, on the north and south sides of Chipman Avenue. These uses will include convenience commercial stores, personal services and professional offices to serve the needs of residents of the adjacent neighbourhoods. Highway commercial uses will not be permitted, and neither will commercial uses such as billiard halls, taverns, arcades, etc.
- 4) Existing commercial uses within Jerome will be permitted to remain, and the above policies will be used to guide any proposals for new development.

Actions

- 1) City Council, by means of the Planning Department, will use these three commercial designations to guide the development of this area. Applications for rezoning will be evaluated on the basis of their compatibility with these designations, in terms of the land use type and the design.
- 2) City Council, by means of the Planning Department and Traffic Department, will use the Urban Design Guidelines contained in Appendix "B" of this report to guide the design of these commercial areas. Individual specifications are provided for each of these areas, in terms of building setbacks, landscaping, parking, vehicular access and circulation, etc. The proposed design of such developments will be reviewed at the site plan approval stage to ensure their safety and efficiency, and compatibility with adjacent uses.

3. CIVIC AND INSTITUTIONAL USES

Objective 1 - School Facilities

The provision of adequate, convenient school facilities is a major objective of the overall neighbourhood planning process. Schools should be centrally located within neighbourhoods, to ensure the safety of school children by minimizing walking distances and minimizing crossings of major arterial roads.

Policies

- 1) School sites and facilities will be provided in appropriate locations within the interior of the Jerome Neighbourhood.
- 2) School sites will be designed so as to be accessible by local roads on at least two sides, to ensure adequate access. These sites will also be similar in location and size to the existing properties owned by the public and separate school boards.
- 3) A mixture of types of school facilities will be provided, to serve both public and separate school students at different grade levels, as deemed necessary.
- 4) Consideration will be given to using the proposed school buildings to serve the wider needs of the community, such as for the provision of recreational or social programs during the evening hours.
- 5) The design of schools will consider the possibility of future changes in demand for school accommodation, or of land use changes. For example, the future use of these sites for conversion to residential and/or other compatible uses will be considered.

Actions

- 1) City Council, by means of the Planning Department, will designate sites for public and separate schools within the center of the Jerome Neighbourhood. These sites will be designed so as to be compatible with adjacent development, including the local road network and the location of residential properties and parkland. The two school sites are adjacent to each other and to the designated neighbourhood park, to enable the possible shared use of facilities.
- 2) City Council will encourage the Board of Education and the Separate School Board to develop school facilities on these sites which adequately meet the needs of the local student population, and which may also be used to provide facilities for the residents of the neighbourhood.

- 3) City Council will encourage the Department of Culture and Recreation and private agencies and associations, to consider the use of the proposed school buildings and lands to provide recreational or social programs.
- 4) City Council, by means of the Planning Department and the school boards, will ensure that the lands or any surplus portion of these lands proposed for school sites are redesignated and redeveloped for appropriate uses, should they not be required for schools.

Objective 2 - Religious Institutions

Religious institutions, including places of worship and associated facilities, provide important services to the community and should therefore be encouraged to locate in the Jerome Neighbourhood.

Policies

- 1) New places of worship will be developed in a manner compatible with surrounding uses. They will be located on the exterior of the neighbourhood, to have minimal impact on the nature of residential areas and on traffic volumes within the neighbourhood.
- 2) Place of worship and associated facilities will be encouraged to locate in appropriate areas of the Jerome Neighbourhood, namely:
 - on the northwest corner of Upper Wellington Street and Stone Church Road, in the Ryckmans Multi-Centre.
 - on the southwest corner of Upper James Street and Stone Church Road, in the Commercial and Apartments area.
- 3) Existing places of worship in adjacent neighbourhoods which have unique historical character will be preserved and enhanced by the nature of new development in Jerome.

Actions

- 1) The City will ensure that new places of worship are compatible with other existing and planned development, by such means as the neighbourhood plan.
- 2) The City will direct proposed new places of worship to locate in appropriate areas, by such means as the neighbourhood plan and the multi-centre plans.
- 3) The City will encourage the preservation and enhancement of the unique historical character of the Barton Stone United Church, located within the Mewburn Neighbourhood at the southwest corner of Upper James Street and Stone Church Road. The Urban Design Guidelines for Upper James Street will be used to incorporate an open landscaped area into the new commercial development on the other three corners of this intersection including the lands in the Jerome Neighbourhood.

4. PARKS, RECREATION AND OPEN SPACE

Objective - Development and Integration of Park Site

The proposed park within the Jerome Neighbourhood should be designed and developed to meet the needs of the neighbourhood residents. Pedestrian and bicycle links will be used to connect the park area with residential areas, and thus facilitate its' use.

Policies

- 1) A neighbourhood park will be developed in the northeast portion of the Jerome Neighbourhood, using the City-owned lands, to serve the recreational needs of the neighbourhood residents. The park will cover both the land fill site and wooded areas.
- 2) Additional park and recreational facilities for the use of neighbourhood residents will be encouraged on the proposed school sites.
- 3) Park and recreational facilities provided in Jerome will be co-ordinated with facilities within the surrounding neighbourhoods.
- 4) The proposed neighbourhood park and facilities on school sites should be linked by means of pedestrian and bicycle pathways with adjacent residential areas and other areas which generate park users, to ensure accessibility.

Actions

- 1) The City, by means of the Culture and Recreation Department and Public Works Department, will develop the neighbourhood park in the northeast portion of Jerome. This park will include appropriate recreational facilities for active and/or passive use.
- 2) The City will request the Hamilton Board of Education and the Separate School Board to consider community recreational use of their properties, such as after-school use of playing fields for community sports leagues.
- 3) The City, by means of the Culture and Recreation Department and Public Works Department, will encourage co-ordination of the recreational facilities provided at the proposed neighbourhood park, the school sites, and other nearby facilities, to minimize duplication and ensure that all needs are met.
- 4) The City will ensure that the recreational facilities in Jerome are connected by means of pedestrian and bicycle pathways with residential areas and other generators of park users.

5. COMMUNITY SERVICES

Objective - Provision of Adequate Community Services

To provide for the needs of local residents, the provision of appropriate community services will be encouraged in the Jerome Neighbourhood. These facilities will be shared with adjacent neighbourhoods, where appropriate, depending on their nature and size.

Policies

- 1) High quality, convenient library services will be provided for residents of Jerome.
- 2) Adequate police, fire, ambulance and other community services will be provided to meet the needs of residents in Jerome.

Actions

- 1) The City will encourage the Library Board to monitor development in the neighbourhood to determine the need to expand their branch services and/or Bookmobile services.
- 2) The City will direct the appropriate departments and agencies to provide adequate police, fire, ambulance and other community services for this area.

6. TRANSPORTATION

Objective 1 - Safe and Efficient Roadway Design

The local road pattern within the Jerome Neighbourhood will be designed to enable the movement of vehicles in a safe and efficient manner. It will also enhance the character of this low density residential area, by minimizing entrances to the neighbourhood and discouraging through traffic. Roadways will also be designed to facilitate the use of passive solar energy.

Policies

- 1) The safety of roadway users will be of major importance in the design of the road pattern. This will include the inclusion of features such as appropriate geometric design, stop signs and traffic signals, as necessary.
- 2) The internal road pattern will include as few accesses to the arterial roads as necessary, to minimize intrusion into the neighbourhood. Local roads will be designed to consist of short curved road sections and cul-de-sacs, as much as possible, to further reduce the travel speed and volumes of through traffic.
- 3) The roadway system will be designed so as to permit the use of passive solar energy. Roads will be oriented in an east-west direction, as much as possible, so that the southern exposure is maximized for residential dwellings.
- 4)

Actions

- 1) The City, by means of the Engineering and Traffic Departments, will ensure that new roads in the neighbourhood are designed in a safe manner, considering relevant geometric design criteria. The installation of stop signs and traffic signals will be considered at such time as their installation will improve the traffic safety and overall capacity of intersections, within the framework of existing warrants.
- 2) Vehicular access from the interior of the neighbourhood to Upper Wellington Street will be restricted in the area immediately south of the proposed Mountain Freeway, due to the vertical realignment of Upper Wellington Street to provide a grade separation.
- 3) The City, by means of the Planning Department, will use the solar design techniques and contours in laying out the proposed road network.

Objective 2 - Pedestrian and/or Bicycle Paths

Pedestrian and/or bicycle paths should be provided for the residents of Jerome to ensure adequate access between major pedestrian generators. Separate facilities for pedestrians and bicyclists will help ensure the safety of both groups in locations where these are warranted by demand.

Policy

- 1) Pedestrian and/or bicycle paths will be provided, connecting the neighbourhood park, school sites, and the recreational facilities in adjacent neighbourhoods. These will be incorporated into a pedestrian and/or bicycle system for the whole City. They will also provide links with adjacent residential areas, where required.

Action

- 1) The City will encourage the development of the pedestrian and/or bicycle paths through the processes of subdivision approval and site plan control. These paths, which will be provided on public lands, within the existing designated road allowance, will include separate facilities for pedestrians and bicyclists, to ensure the safety of each, where warranted by demand.
- 2) These paths will be determined by the Planning Department in conjunction with the Department of Culture and Recreation and the Bikeways Hamilton Committee, prior to the processing of subdivision plans, so that these paths may be incorporated.

Objective 3 - Public Transit

Convenient public transit service will be provided in a manner which adequately meets the changing needs of Jerome residents, to provide an alternative to the use of the private automobile.

Policy

- 1) Public transit routes will be maintained, extended and expanded as necessary to provide the residents of the Jerome neighbourhood with convenient bus service.

Actions

- 1) The City will encourage the Hamilton Street Railway, in accordance with their existing service objectives, to provide adequate route service, to locate bus stops in convenient and accessible areas and to provide shelters and/or benches at most bus stops.
- 2) The proposed locations of future bus stops, as identified by the H.S.R., will be implemented and revised as necessary to accommodate future development.

7. VEGETATION

Objective

The provision and retention of trees, shrubs and other vegetation should be encouraged to enhance the appearance of the Jerome Neighbourhood, as well as increasing energy conservation.

Policies

- 1) The existing woodlots on the eastern and northern edges of the neighbourhood will be preserved as much as possible, by means of their inclusion in the proposed neighbourhood park, school sites and residential areas.
- 2) Borders of mature trees, such as these located adjacent to the Board of Education lands and in the southerly portion of the neighbourhood, will be retained wherever possible. These borders will be managed to act as visual boundaries and as buffers to control shade and wind in accordance with good tree management principles.
- 3) Mature trees along arterial roads will be retained wherever possible during development of the neighbourhood. This will include the mature trees along Stone Church Road and Upper Wellington Street.
- 4) The planting of new trees will be considered along arterial roadways or in other locations where it is not possible to retain existing vegetation during redevelopment.
- 5) Private property owners will be encouraged to design landscaping on their properties to maximize energy efficiency.
- 6) Trees in the neighbourhood will be preserved as much as possible, by means of their inclusion in appropriate designations, e.g. school, park, large lots; and by means of the design of medium density housing developments.

Actions

- 1) The City will retain mature trees and other desirable vegetation wherever possible by means of the subdivision and condominium approval processes and by means of site plan control. This will include woodlots and borders of mature trees, on public and private land.
- 2) The City by means of the Engineering Department will continue its present practice of preserving as much as possible the existing trees and vegetation during roadway improvement and widening, especially in the case of mature trees along Stone Church Road and Upper Wellington Street. This is in accordance with current roadway design practice.

- 3) The City will encourage the planting of new trees and other vegetation, especially in locations where redevelopment causes gaps or deficiencies in existing vegetation, to help ensure the attractive appearance of the neighbourhood.
- 4) The City will provide information and assistance to private property owners in establishing energy-conserving vegetation in residential areas. For example, the planting of deciduous vegetation on the north side and coniferous vegetation on the south side of residences will be encouraged, to enhance passive solar heating.
- 5) The City will require a tree preservation plan as part of the subdivision process for areas designated for larger lots. Site plan approval will be used to maximize the benefit of existing trees for commercial and medium density residential uses.

8. URBAN DESIGN AND NEIGHBOURHOOD CHARACTER

Objective - Enhance Suburban and Gateway Functions

The appearance and character of the Jerome Neighbourhood will be enhanced to create an attractive suburban residential neighbourhood which has an abundance of vegetation. The commercial frontage along Upper James Street will be designed to provide an attractive streetscape appropriate to the City gateway function of this corridor.

Policies

- 1) The commercial development along Upper James Street will be designed with special attention to appearance, to reflect the importance of this area as one of the major entrances to Hamilton.
- 2) Special features will be introduced in the commercial area to provide an attractive and orderly streetscape in this area, such as the following:
 - a) Along the majority of the commercial frontage, uniform front building setbacks, twenty foot wide landscaping strips at both the front and rear boundaries of the area, proposed limitations on the size and location of business signs will be introduced by means of the Urban Design Guidelines.
 - b) The neighbourhood commercial area at Chipman Avenue will be designed to be attractive to pedestrians as well as motorists. Wide sidewalks will be provided at the front corners of Upper James Street, along with street furniture and lighting for pedestrians. Parking for automobiles will be provided at the rear.
 - c) At the northeast corner of the intersection of Upper James Street and Stone Church Road, an open space area will be designated in conjunction with the "Commercial and Apartments" uses. This will include building setbacks and landscaping to accentuate the historical Barton-Stone United Church on the southwest corner of the intersection.
- 3) The existing vegetation will be preserved as much as possible to retain some of the character of the existing development. Existing mature trees and other vegetation will be retained and enhanced, as noted in Section 7 of these policies. This will include woodlots and borders of mature trees. New landscaping will be introduced in the commercial areas, as noted in Section 2.
- 4) Older buildings which may be of interest because of their historic or architectural character will be preserved and enhanced. The Barton Stone United Church is the only building which has been identified as of historical interest which has implications for the Jerome Neighbourhood.

Actions

- 1) The City, by means of the Planning Department, will encourage the development of the commercial area along Upper James Street in accordance with the policies in Section 2. and the Urban Design Guidelines in Appendix "B" of this report, to help ensure the attractive appearance of this area.
- 2) The City, by means of the Engineering and Planning Departments, will if possible, design roads and developments which preserve and enhance existing trees and vegetation.
- 3) The City, by means of the Planning Department and LACAC, will evaluate any applications for redevelopment in terms of their impact on buildings of heritage value. The Barton Stone United Church will be accentuated by the creation of a landscaped area on the remaining three corners of the intersection of Upper James Street and Stone Church Road. This landscaping will be designed so that it will not reduce the visibility for motorists at this intersection. In particular, the required daylight triangles will be provided on the corners for turning traffic. This will likely result in the landscaping features being provided on private property.

9. INFRASTRUCTURE

Objective

Municipal services such as sewers will be provided to the Jerome Neighbourhood, in keeping with the existing standards for new development in the City.

Policies

- 1) Full municipal services, including storm and sanitary services and an adequate water supply, will be provided to serve the residents of the Neighbourhood.
- 2) Future development will be permitted only on the basis of full municipal services.
- 3) Isolated developments will be discouraged in the future development of the neighbourhood.

Actions

- 1) The City will request the Regional Engineering Department to provide full municipal services sufficient to meet the needs of neighbourhood residents, in accordance with their current budget and time frame.
- 2) The City will request that the Regional Engineering Department periodically assess the need for the future extension of municipal services within the Neighbourhood, if applicable, to discourage isolated developments.
- 3) The City will not support future development in the Jerome Neighbourhood on the basis of temporary services.

II ADMINISTRATIVE PROVISIONS

The Neighbourhood Plan is a policy of City Council but is not incorporated into the Official Plan. The Plan is intended to be flexible. It is expected that there will be changes from time to time in response to new circumstances. However, changes should reflect the general goals of the Plan. Very minor alterations in land use and boundaries will not require a Neighbourhood Plan Amendment. However, other changes will need Council approval and full participation of those affected.

APPENDICES

AMENDMENT NO. 28 TO THE
CITY OF HAMILTON OFFICIAL PLAN

The following text, together with the attached Schedules "A" and "B" hereto, constitutes Amendment No. 28.

PURPOSE

The purpose of this Amendment is to:

- o recognize Upper James Street (from the East-West and North-South Transportation Facility to the City Limits) as a major highway-oriented commercial area;
- provide for a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent Neighbourhoods; and,
- o provide the basis for more detailed planning through Neighbourhood Plans and design guidelines to ensure a co-ordinated approach to development, and minimize conflicts between the Commercial uses on Upper James Street and the Residential uses within the Neighbourhoods.

LOCATION

This Amendment applies to lands fronting on Upper James Street from the East-West and North-South Transportation Facility to the City limits, and fronting on Rymal Road in the vicinity of Upper James Street.

BASIS

Official Plan Amendment No. 22 effectively deletes the Staging policies of the Official Plan to provide for the immediate development of the southwest sector of the City, subject to the availability of municipal services. Accordingly, in conjunction with this Amendment, a detailed study was undertaken to identify the appropriate land use pattern and implementation scheme for the Upper James Street corridor. The study resulted in a land use concept which requires certain changes to the Official Plan prior to its realization.

ACTUAL CHANGES

- (1) Schedule "A" of the Official Plan (Land Use Concept), as amended, will be further amended as shown on the attached map being Schedule "A" to this Amendment.

(2) The following be added to Schedule "B" - Special Policy Areas:

- o "Special Policy Area 31, 31a, 31b and 31c;" and,
- o "Area 31, 31a, 31b and 31c, refer to Policy A.2.9.3.26" in the legend.

(3) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas;

A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

- (i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods;
- ii) In keeping with Clause (i) above, three sub-areas are identified to provide the following uses within the Special Policy Area:
 - a) in Area "31a" mixed Commercial/Residential uses will be permitted from south of Chipman Avenue/Blossom Lane to Stone Church Road (excluding the car dealership). Such uses will be developed at a height, scale and intensity compatible with the nature of the commercial development along Upper James Street and the existing and anticipated Residential uses in the interior of the Neighbourhoods. The provisions regarding amenity, parking and other similar criteria for mixed Commercial/Residential uses, as provided in Policy A.2.2.36 will apply in the development of these uses.
 - b) in Area "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18; and,
 - c) in Areas "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).

- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this Area will consider the following:
 - a) the location of a mid-block Collector Road between Stone Church Road and Rymal Road;
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
 - c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
 - d) the location of access points between adjacent uses and to the road;
 - e) utilizing shared access and/or parking facilities with adjacent developments; and,
 - f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
 - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
 - c) ensuring in Areas 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a co-ordinated approach in the development of Special Policy Areas 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property-owners regarding such matters as, access, parking, architectural quality and design, and landscaping.

vi) In accordance with Policy D.2.2, Multi-Centre uses will be permitted in the vicinity of Upper James Street and Stone Church Road. Accordingly, Multi-Centre uses such as, Institutional, recreational and medium density Residential uses will also be permitted in addition to Commercial uses.

- (4) Delete the Multi-Centre designation on Schedule "G" - Planning Units, in the vicinity of Stone Church Road and West 5th Avenue. *Street*

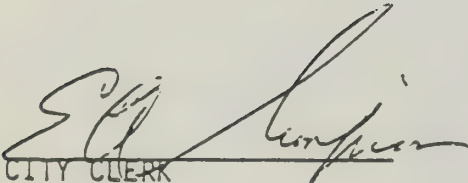
IMPLEMENTATION

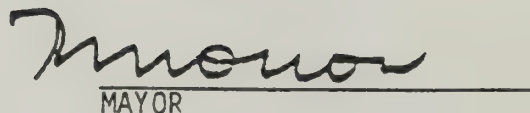
The provisions of Section "D" - Implementation as amended will apply to the implementation of this Amendment.

Bill No. C-116

This is Schedule 1 to By-law No. 85 - 236, passed on the day of October 29th A.D. 1985.

THE CORPORATION OF THE
CITY OF HAMILTON


CITY CLERK


MAYOR

APPENDIX "B"

URBAN DESIGN GUIDELINES

UPPER JAMES STREET CORRIDOR

(JEROME SECTION)

Upper James Street is one of the major entrances to the City, as well as a developing commercial area. A variety of commercial uses will be encouraged, to serve the needs of local residents and the whole City.

Urban Design Guidelines have been prepared to help co-ordinate the future development of this area. These will help ensure that aspects such as the location of landscaping, access points, parking areas and building setbacks are adequate and uniform.

There are three types of commercial land use planned for this corridor, the design details of which are as follows:

1) Commercial - General

Location

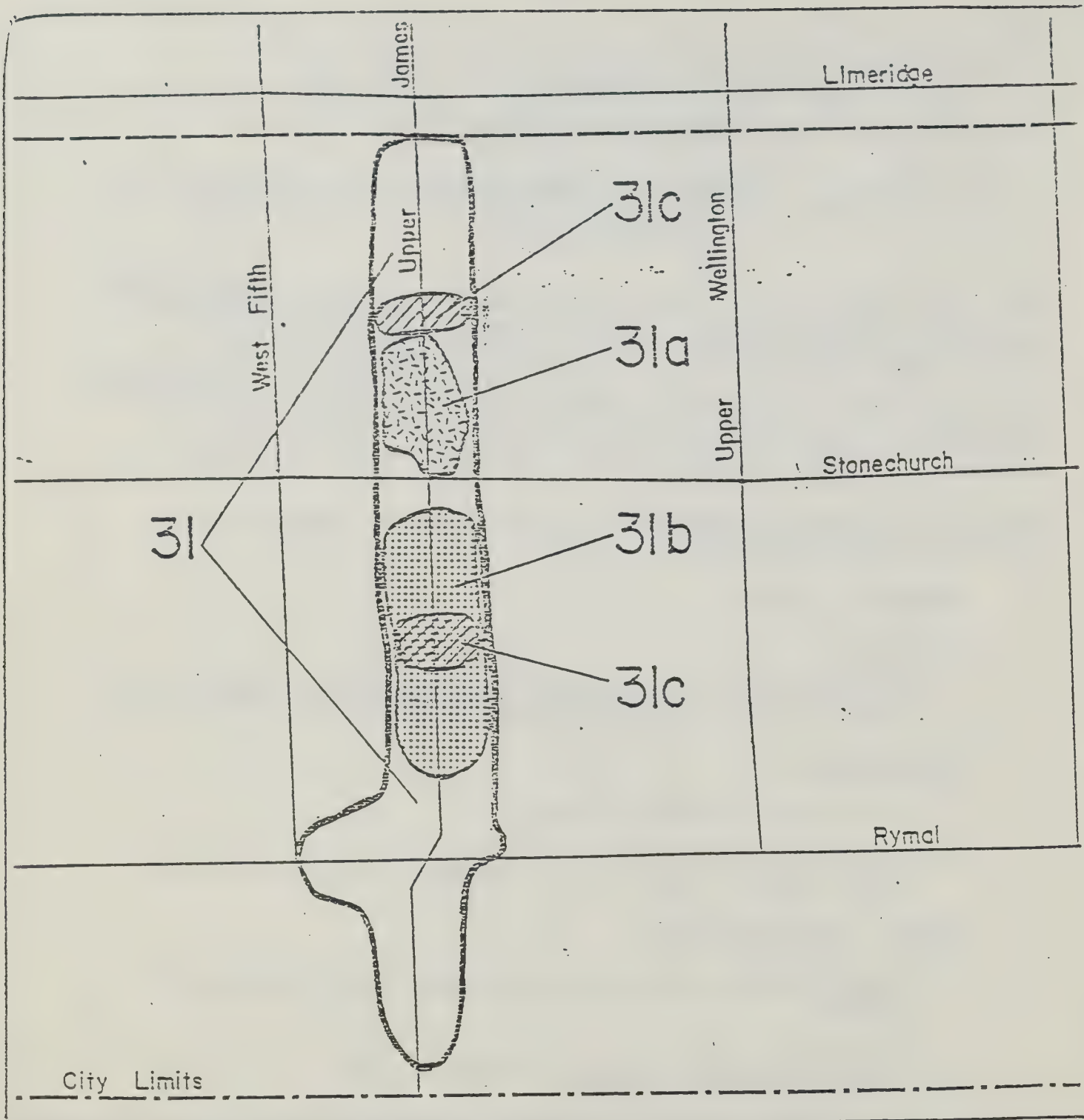
- Northern section of James Street frontage, from just north of Chipman Avenue to proposed Mountain Freeway.

Permitted Uses

- A wide range of commercial uses.
- Appropriate uses include retail, personal services, automotive service stations, etc.


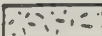


Design

- Landscaping strip along the front property line, 3 m (10 ft.) in depth.
- Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include:
 - two rows of parking spaces, on the east and west sides
 - a traffic laneway running north-south, between the parking spaces.
- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.
- Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway.



HAMILTON OFFICIAL PLAN AMENDMENT No. 28 SCHEDULE B

LEGEND

-  Special Policy Area 31
-  Special Policy Area 31a
-  Special Policy Area 31b
-  Special Policy Area 31c

DRAFT

NORTH



SCALE

N.T.S.

DATE

FEB. 1985

APPENDIX "B"

URBAN DESIGN GUIDELINES

UPPER JAMES STREET CORRIDOR

(JEROME SECTION)

Upper James Street is one of the major entrances to the City, as well as a developing commercial area. A variety of commercial uses will be encouraged, to serve the needs of local residents and the whole City.

Urban Design Guidelines have been prepared to help co-ordinate the future development of this area. These will help ensure that aspects such as the location of landscaping, access points, parking areas and building setbacks are adequate and uniform.

There are three types of commercial land use planned for this corridor, the design details of which are as follows:

1) Commercial - General

Location

- Northern section of James Street frontage, from just north of Chipman Avenue to proposed Mountain Freeway.

Permitted Uses

- A wide range of commercial uses.
- Appropriate uses include retail, personal services, automotive service stations, etc.

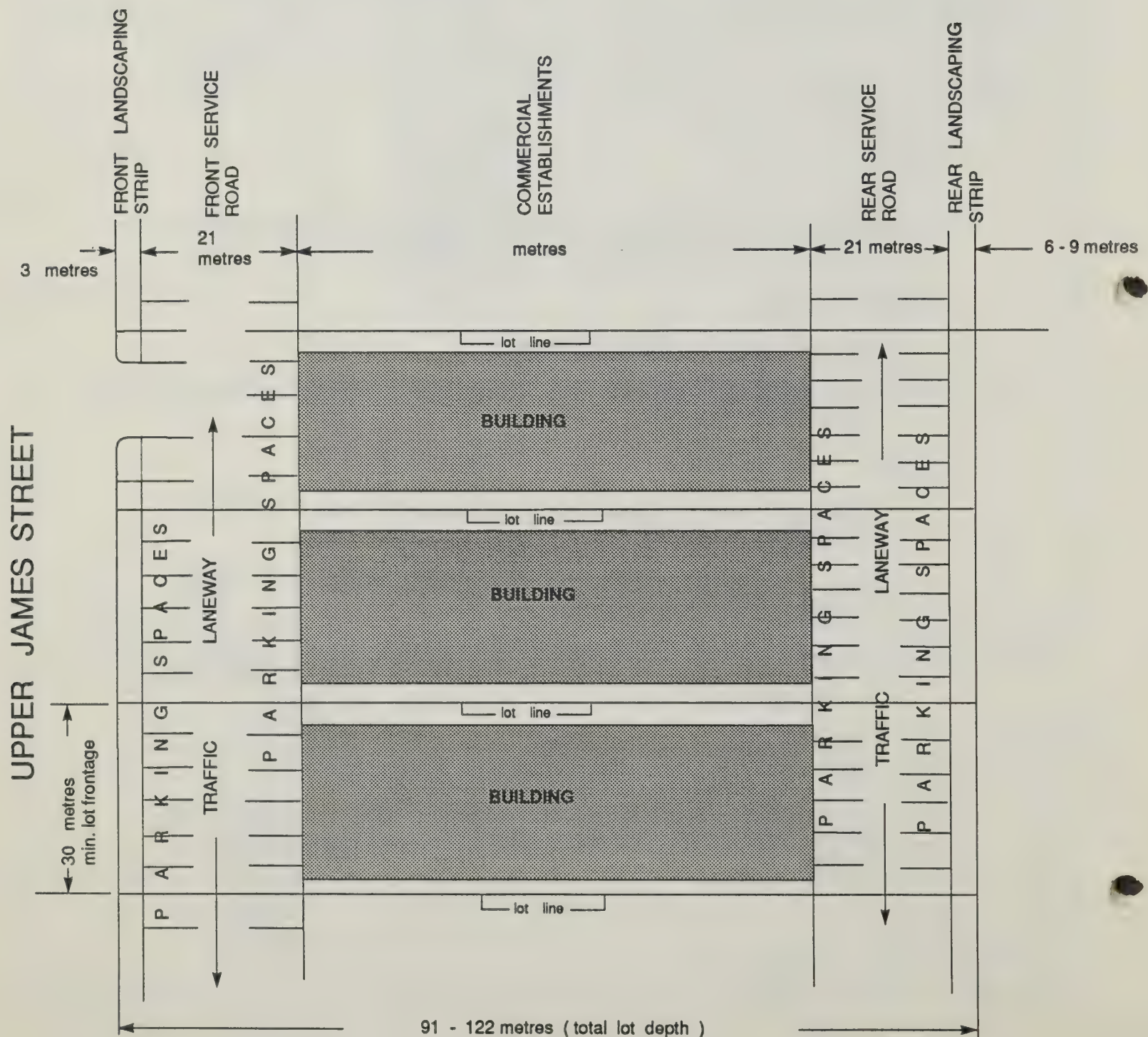
Design

- Landscaping strip along the front property line, 3 m (10 ft.) in depth.
- Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include:
 - two rows of parking spaces, on the east and west sides
 - a traffic laneway running north-south, between the parking spaces.
- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.
- Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway.

URBAN DESIGN GUIDELINES for UPPER JAMES STREET CORRIDOR JEROME SECTION

Example of Commercial Area Design for :

- 1) Commercial - General
- 2) Commercial & Apartments



- Rear landscaping strip 3 m (10 ft.) in depth, along rear property line. This landscaping will be provided by the commercial property owner.
- Maximum building height of up to 8 stories would be permitted to prevent shading of adjacent properties, but actual building heights might be 1 to 2 stories.

Lot Size

- Frontage of at least 30 m (100 ft.) along Upper James Street.
- Lots with less than this minimum frontage will be considered in special cases.
- Depth of approximately 114 m (380 ft.).

Special Features

- Northern limit of this area has a diagonal boundary, due to the configuration of interchange lands for the proposed Mountain Freeway.

2) Commercial and Apartments

Location

- Southern section of Upper James Street frontage, from just south of Chipman Avenue to Stone Church Road.

Permitted Uses

- Ground floor or first two floors for a broad range of commercial uses, including general commercial, retail, wholesale, warehouse, etc.
- Upper floors for residential apartments, rental or condominium.

Design

- Landscaping strip along the front property line, 3 m (10 ft.) in depth.
- Front service road to rear of landscaping strip, 21 m (70 ft.) in depth, which will include:

- two rows of parking spaces, on the east and west sides
- a traffic laneway running north-south, between the parking spaces
- Fronts of commercial buildings located 24 m (80 ft.) from the front property line, with variable building depth.
- Rear service road 21 m (70 ft.) wide, in same design as front service road, with two rows of parking spaces and traffic laneway.
- Rear landscaping strip 3 m (10 ft.) in depth, along rear property line.
- Maximum building height of up to 8 stories would be permitted to prevent shading of adjacent properties, but actual building heights might be 1 to 2 stories.

Lot Size

- Frontage of at least 30 m (100 ft.) along Upper James Street..
- Lots with less than this minimum frontage will be considered in special cases.
- Depth of at least 96 m (320 ft.) in section north of sewer easement.
- Lot depth of 90 m (300 ft.) in section south of sewer easement.

Special Features

- Vehicular access to this area will be by means of a limited number of driveways.
- Front and rear service roads will be linked between adjacent properties.
- A special open space area will form part of the required landscaping on the three corners of Upper James Street and Stone Church Road, which are adjacent to the Barton Stone United Church.
 - The permitted uses for this special area will include open space, landscaping features, and possibly well-screened parking.
 - The purpose is to preserve and enhance the appearance of the Barton Stone United Church, which is an attractive, historical building, and landmark located on the south west corner of the intersection.

- This open space area will be approximately 30m (100 ft.) deep by 30m (100 ft.) wide, on each corner of the intersection. Proposals with less than this amount of area will be reviewed on the basis of their ability to provide an attractive landscaped area.

3) Neighbourhood Commercial

Location

- Halfway between proposed Mountain Freeway and Limeridge Road, on north and south sides of Chipman Avenue.

Permitted Uses

- Retail and service uses for the adjacent neighbourhood, such as convenience stores, personal services, professional offices.
- Non-highway commercial uses.
- Commercial and apartments mixed use may be considered, but such uses should be directed if possible to the designated "Commercial and Apartments" lands just to the south.

Design

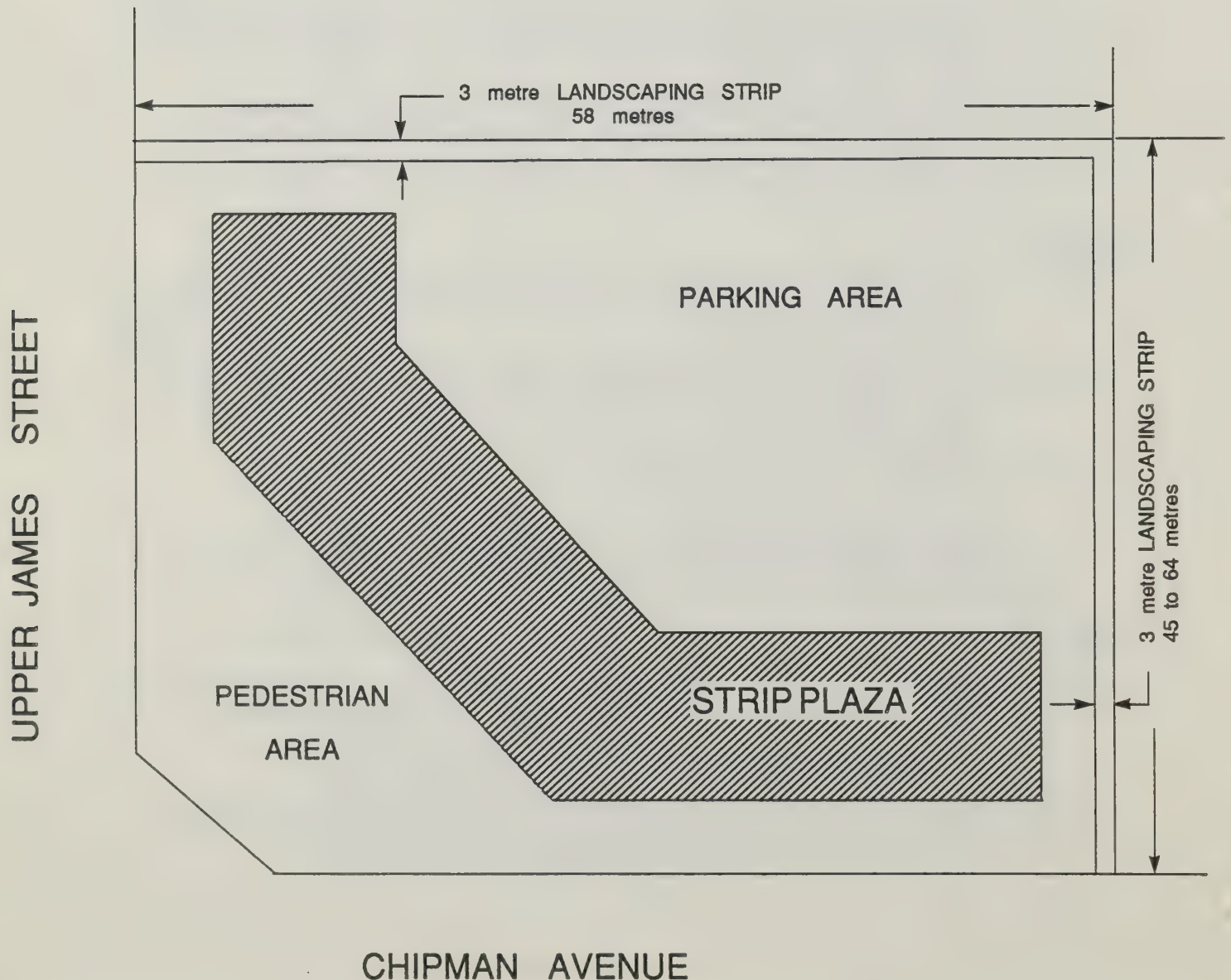
- Angular strip plazas, with frontage on both Upper James Street and Chipman Avenue.
- A triangular open area reserved for pedestrians on the front corners, approximately 310 sq. m (11,000 sq. ft.) in size on each corner.
- Parking area located to the rear of the plazas.
- Maximum building height of 3 to 4 stories, if residential apartments included on upper floors.

Area Size

- Entire area to be developed as a whole or in large parcels, to help ensure that the desired design can be implemented.
- Frontage of 90 m (300 ft.) on Upper James Street.
- Depth of 74 m to 96 m (250 to 320 ft.) along Chipman Avenue.

URBAN DESIGN GUIDELINES for UPPER JAMES STREET CORRIDOR JEROME SECTION

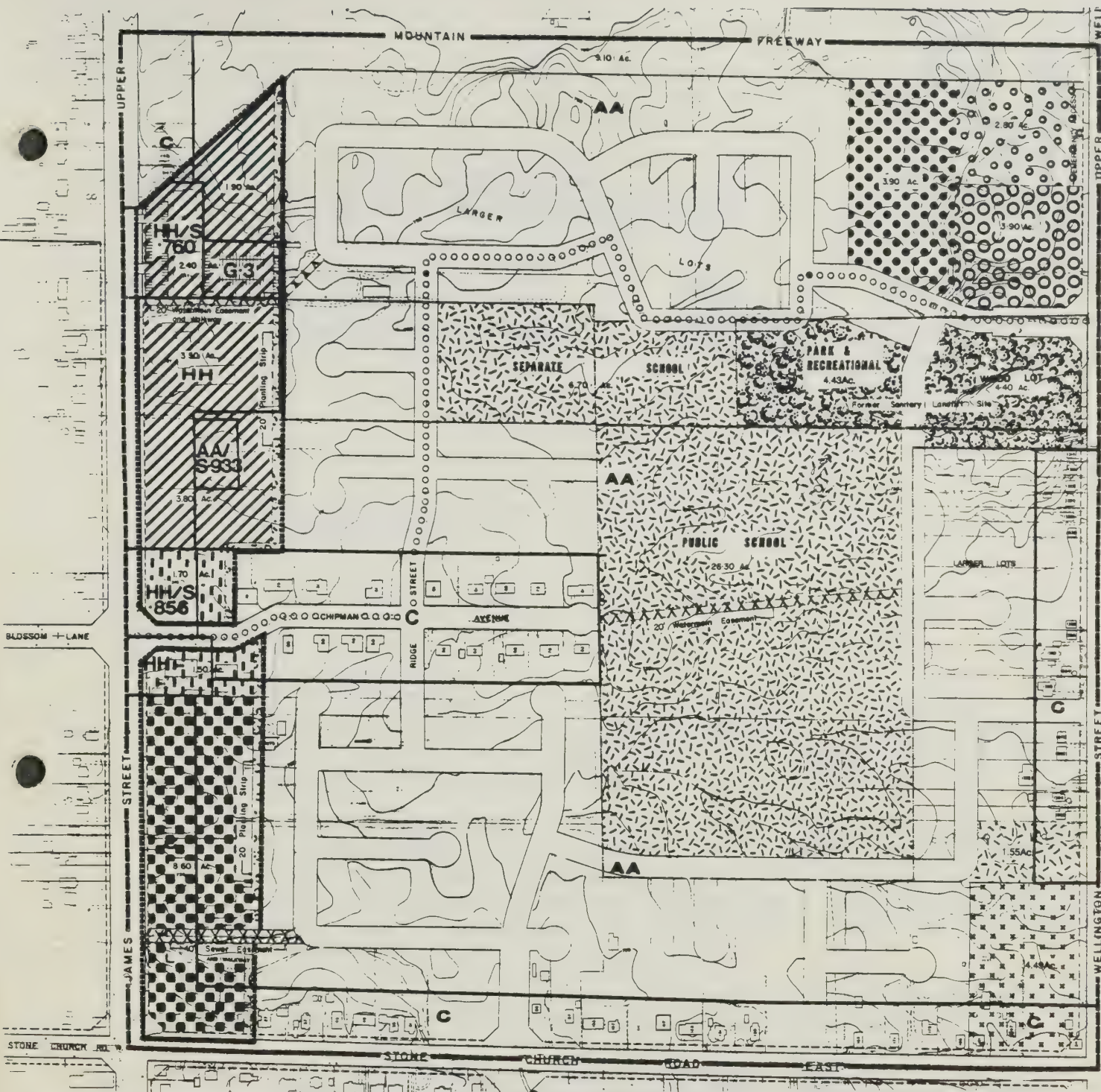
Example of Commercial Area Design for :
3) Neighbourhood Commercial



Special Features

- Small town atmosphere, appealing to local residents and pedestrian traffic.
- Street furniture to be provided in front open area, including benches, attractive lighting, as well as landscaping.
- North of Chipman Avenue, designated area has frontage of 63 m (210 ft.) along Upper James Street, and frontage of 74 m (250 ft.) along Chipman Avenue.
- South of Chipman Avenue, designated area has frontage of 45 m (150 ft.) along Upper James Street, and frontage of 96 m (320 ft.) along Chipman Avenue.

PROPOSED JEROME NEIGHBOURHOOD PLAN



NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND:

- SEPERATE SCHOOL LANDS
- PUBLIC SCHOOL LANDS
- FORMER SANITARY LANDFILL SITE
- OOO POSSIBLE BIKEWAY ROUTE
- AREA SUBJECT TO URBAN DESIGN GUIDELINES

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL (GENERAL)**
- NEIGHBOURHOOD COMMERCIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**
- INSTITUTIONAL & RECREATIONAL**

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee Council

Latest Revision Date

CITY OF HAMILTON
PLANNING DEPARTMENT

JEROME
PROPOSED PLAN



MAP No. 1

EXISTING POPULATION (1988) 186

FOR ACTION

31.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 JUNE 5
COMM FILE:
DEPT FILES: ZA-88-131
SA-88-21
25T-88035

SUBJECT

Proposed Draft Plan of Subdivision "Effort Gardens";
Proposed Rezoning Application for lands located at Nos. 1275 and 1317 Upper
James Street.

RECOMMENDATION

1) Subdivision Application

a) That approval be given to Application SA-88-21, A. Weisz, owner, to establish a draft plan of subdivision east of James Street and north of Stone Church Road, subject to the following conditions:

1. That approval apply to the plan prepared by MacKay, MacKay and Peters Limited, revised date April 7, 1989 and further revised showing 89 lots, one Block (Block "94") for development with adjacent lands, four blocks (Blocks "90", "91", "92" and "93") for 0.3m reserves and one block (Block "95") for a public walkway.
2. That the streets be dedicated as public highways and the walkway (Block "95") be dedicated as public walkway on the final plan.
3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
4. That the final plan conform with the Zoning By-law approved under The Planning Act.
5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
6. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
7. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

8. That the open side of the road allowances created by the plan be terminated in 0.3m reserves (Blocks "90", "91", "92" and "93") to be conveyed to the City of Hamilton.
 9. That Block "94" be developed only in conjunction with adjoining lands.
 10. That this plan of subdivision not receive final approval before road access is available from Ridge Street and from a road connection to Stone Church Road.
 11. That the owner acquire sufficient lands to establish the road in front of Lots 41 to 51 to a full width of 20.0m and a 0.3m reserve at the open side of the road allowance prior to or in conjunction with the development of this plan of subdivision.
 12. That 2m x 2m daylight triangles be established on all L-shaped streets.
 13. That street "A" line up centreline to centreline with the future 26.0m road to Stone Church Road.
 14. That the street between Lots 19 and 20 align centreline to centreline with Ridge Street.
 15. That Street "A" should have a centreline radius of not less than 110m.
 16. That the owner receive a demolition permit in accordance with the "Rental Housing Protection Act" for the rented existing single-family dwelling located on the subject lands.
 17. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 18. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-21), A. Weisz, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2) Zoning Application

That approval be given to amended Zoning Application 88-131, Hampshire Properties Inc., Arthur Weisz Real Estate Limited and Hyman Richter, owners, to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "CR-1" (Commercial-Residential) District modified (Blocks "2" and "3"), and from "C" (Urban Protected Residential) District to "CR-1" (Commercial-Residential) District modified (Blocks "4" and "5"), to permit single-family residential development on Block "1", and commercial/residential development on Blocks "2", "3", "4", and "5", for property located at Nos. 1275 and 1317 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands described as Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "CR-1" (Commercial-Residential) District;
- iii) That the lands described as Blocks "4" and "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "CR-1" (Commercial-Residential) District;
- iv) That the "CR-1" (Commercial-Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593 applicable to the lands described as Blocks "2", "3", "4" and "5" as shown on the attached map marked as APPENDIX "A", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 15B(8)(a) of Zoning By-law No. 6593, no building or structure shall exceed eight storeys or 26.0 metres (85.30 ft) in height;
 - b) That a minimum 6.0m wide landscaped planting strip shall be provided and maintained along the easterly property line of Blocks "2" and "3";
 - c) That a visual barrier not less than 1.2 m in height and not greater than 2.0m in height shall be provided and maintained within the required 6.0m wide landscaped planting strip along the easterly property line of Blocks "2" and "3";
- v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-9C be notated S- ;
- vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;

- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the by-law is to provide for the following changes in zoning:

Block 1 - Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.


Blocks 2 - Change in zoning from "AA" (Agricultural) District to "CR-1"
and 3 (Commercial-Residential) District, modified.

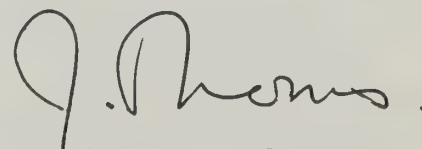
Blocks 4 - Change in zoning from "C" (Urban Protected Residential, etc.)
and 5 District to "CR-1" (Commercial-Residential) District, modified.

The effect of the by-law is to permit future single-family residential development on the lands described as Block "1", and commercial/residential development on the lands described as Blocks "2", "3", "4" and "5".

In addition, the by-law provides for the following variances as special requirements:

- o to restrict the maximum height of buildings or structures to eight storeys or 26.0 metres (85.30 ft.) within the "CR-1" (Commercial-Residential) District (Blocks 2, 3, 4 & 5), whereas 12 storeys or 39.0 metres (127.95 ft.) is permitted (Section 15B(8)(a));
- o to require a minimum 6.0 wide landscaped planting strip to be provided and maintained along the easterly property line of Blocks "2" and "3"; and,
- o to require a visual barrier not less than 1.2m in height and not greater than 2.0m in height to be provided and maintained within the required 6.0m wide landscaped planting strip along the easterly property line of Blocks "2" and "3".


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Arthur Weisz, Hamilton, Ontario

Surveyor

MacKay, MacKay and Peters Limited, Hamilton, Ontario

Location

The lands, comprising 5.3 ha (6.554 ha for the zoning application), are located east of James Street and north of Stone Church Road in the Jerome Neighbourhood, City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Two single-family dwellings and a barn	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Single-family dwellings, a cabinet manufacturer and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south and east	Single-family dwellings, and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	A service station, single-family dwellings, Ridge Public School, a garden centre and a used car sales lot	"HH" (Restricted Community Shopping and Commercial) District, "C" (Urban Protected Residential, etc.) District, "AA" (Agricultural) District, modified, and "G-3" (Public Parking Lots) District

Proposal - Subdivision

The owner revised the plan and now proposes to subdivide the lands into 90 lots and two blocks for development with abutting land. The lots will be serviced from new streets extending from Ridge Street. The minimum lot size proposed has a width of 11.75m and a depth of 28.0m which is not in conformity with the requested zoning.

Zoning Proposal

It is the applicants' intention to rezone the subject lands to permit single-family residential development on Block "1" and future commercial/residential development on Blocks "2", "3", "4" and "5".

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated for "Commercial" and "Residential" use on Schedule "A", Land Use Concept of the Official Plan. In addition, the lands designated "Commercial" are within SPECIAL POLICY AREAS 31 and 31(a) shown on Schedule "B". The proposal complies.

Neighbourhood Plan - Block "1" is designated for "Single and Double" residential use and Blocks "2", "3", "4" and "5" are designated for "Commercial and Apartments" on the draft Jerome Neighbourhood Plan (see Appendix "C"). The draft Jerome Neighbourhood Plan also requires a 6.0m (20.0 ft.) wide landscaped planting strip between the "Commercial and Apartments" (Blocks "2", "3", "4" and "5") designation and the "Single and Double" residential designation (Block "1").

The proposal complies with the intent of the draft Jerome Neighbourhood Plan.

For the information of the Planning and Development Committee, the proposed Jerome Neighbourhood Plan has been the subject of a public meeting (February 17, 1988) and will be reconsidered for final approval and adoption by the Committee prior to hearing this application.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the Zoning By-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs;
Ministry of Transportation & Communications;
Ministry of the Environment;
Ministry of Natural Resources;
Ministry of Culture and Communications (subject to standard conditions);

Hamilton Region Conservation Authority;
Union Gas, Bell Telephone, Ontario Hydro;
City of Hamilton Board of Education;
Hamilton-Wentworth Separate School Board;
City of Hamilton Traffic Department (concerned about a potential sight problem
at intersection of Streets "A" and "D");
City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following
comments and recommendations (original submission):

1. It is recommended that Street "C" be established to a width of 20m.
2. The cul-de-sac bulb on Street "C" should have a 15m radius with 9m radii transitions into the bulb.
3. 2m x 2m daylight triangles are required at all L-shaped roadways, specifically at Lots 53, 76 and 90.
4. It is recommended that the centre line of street "A" line up with the centre line of part 12 of 62R-8726, being the future 26m road to Stone Church Road.
5. The owner acquire and include the necessary lands to establish street "A" with a 0.3m reserve in front of Lots 47 to 53 or the lands may be conveyed to the City and opened by by-law.
6. The future street between Lots 20 and 21 should align centreline to centreline with Ridge Street.
7. The centreline radius of Street "A" from Lot 43 northerly, as revised, is not to exceed 110m. A tangent between reverse curves should be considered if possible.
8. The street coming in from the east should not have a centreline radius of less than 110m.
9. The owner must enter into Subdivision Agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.
10. The plan not be registered until the City has agreed to establish by by-law Street "A" in front of Lots 43 and 46 and the extension of Stone Church Road.
11. The submitted plan as prepared by J. David Peters, O.L.S., is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

For your information:

1. The proposed subdivision can be serviced to the existing storm and sanitary trunk sewer at the south limit of the subject development and with water from Stone Church Road.
2. If the plan of subdivision is developed with Street "A" in the location as shown on the draft plan, it may make it difficult to develop the rear of properties numbered 1265 and 1269 on Upper James Street.

2. Rezoning Application

- o The Building Department, Hamilton Region Conservation Authority, and the Local Architectural Conservation Advisory Committee staff have no comments or objections.
- o The Traffic Department has advised that they:
".....find it satisfactory, subject to the depth of the commercial zoning be revised to be consistent with that shown in the Subdivision Agreement 88-21 (101.4 metres)."
- o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers are available to service part of the subject lands. The remainder will be serviced through Subdivision Agreements.

For the information of the applicant, as a condition of development approval, we will recommend that sufficient land be dedicated to the Region to establish the property line 18.29m (60 ft.) from the centre line of the original Upper James Street road allowance".

In addition to the above comments, the Regional Engineering Department further advised that:

"Detailed comments with respect to site, grading, etc., will be dealt with at the draft plan of subdivision stage."

COMMENTS

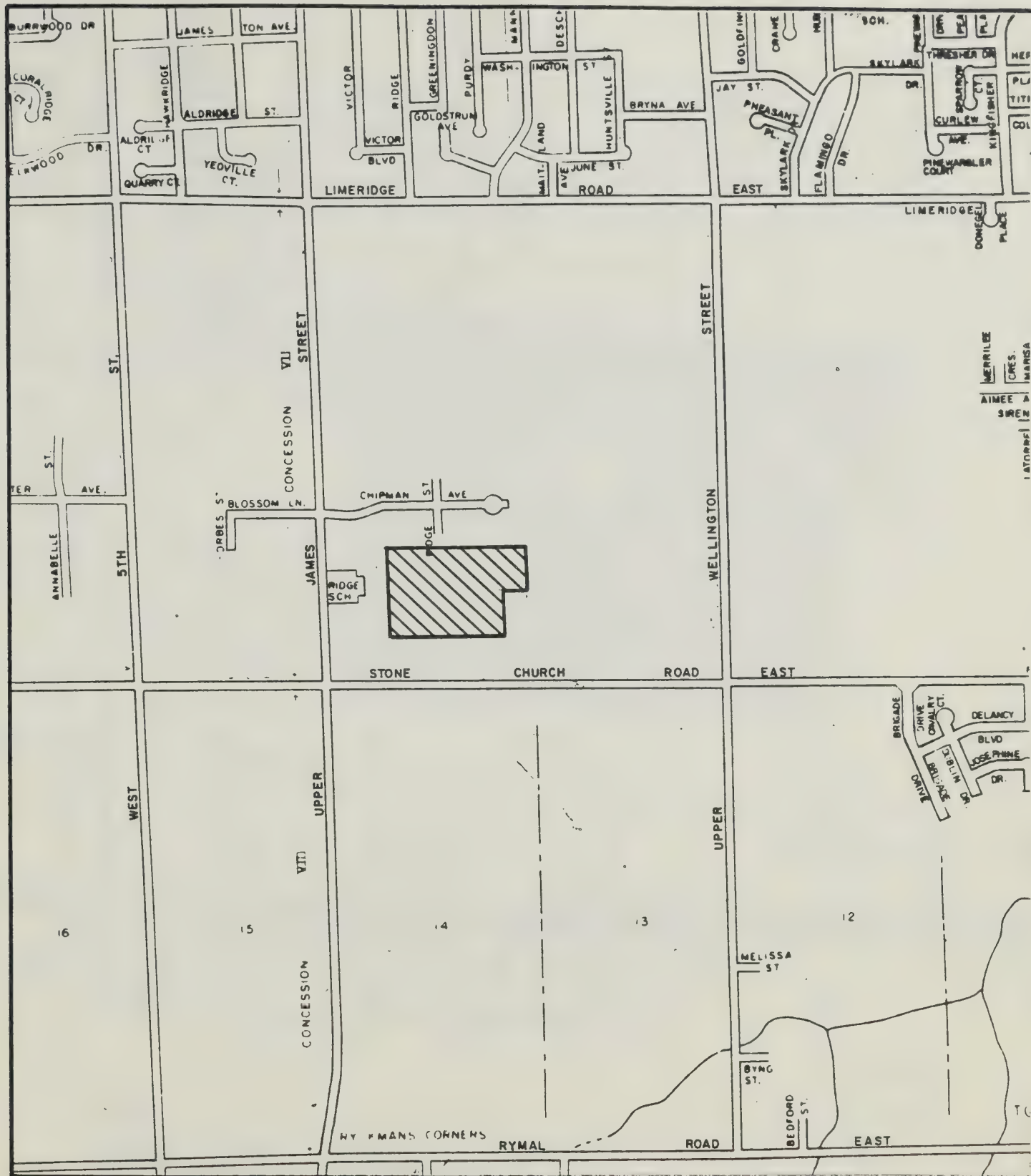
1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for a zoning by-law amendment is noted.

3. The plan is revised by:
 - o changing the location of Street "A";
 - o adding part of a cul-de-sac at the south-easterly portion of the plan;
 - o showing part of a walkway at the south-westerly portion of the plan;
 - o increasing the width of Street "C" to 20.0m; and
 - o making lot line changes so that all lots would meet the requirements of the "C" (Urban Protected Residential) District.
4. As no part of the subject land is designated for park or recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement from this subdivision be taken as cash-in-lieu of land.
5. The proposal complies with the intent of the draft Jerome Neighbourhood Plan.
6. The proposal has merit and can be supported for the following reasons:
 - o it implements the intent of both the Official Plan and the draft Jerome Neighbourhood Plan;
 - o it would be compatible with existing and future development contemplated in this area;
 - o the requested changes in zoning are appropriate for the proposed development.
7. Under the requested "CR-1" zoning for blocks "2", "3", "4", and "5", a maximum building height of 12 storeys or 39.0m (127.95 ft) would be permitted. Considering that the affected lands adjoin future single-family development (Block "1"), it would be appropriate to limit the height to a maximum of 8 storeys which is consistent with typical multiple dwelling zoning (e.g. "E" District).

It should be noted, that the applicant is in agreement with this modification to the height requirement.
8. In accordance with the provision of the draft Jerome Neighbourhood Plan and the Design Guidelines for the Upper James Street Corridor, the following special provisions should be applied:
 - a) a minimum 6.0m (19.69 ft) wide landscaped planting strip should be provided and maintained along the easterly property line of Blocks "2" and "3"; and,
 - b) a visual barrier not less than 1.2m in height and not greater than 2.0m in height should be provided and maintained within the required 6.0m (19.69 ft) wide landscaped planting strip along the easterly property line of Blocks "2" and "3".

9. Development of the lands within a "CR-1" District would be subject to Site Plan Control By-law No. 79-275 as amended by By-law 87-223, which will further regulate matters related to landscaping, grading, fencing, parking, loading, lighting, signs, etc.
10. The requirements of the Ministry of Culture and Communications can be implemented through the conditions of draft approval to be established by the Regional Municipality.

JLS/GAW/jd



Location Plan For

EFFORT GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

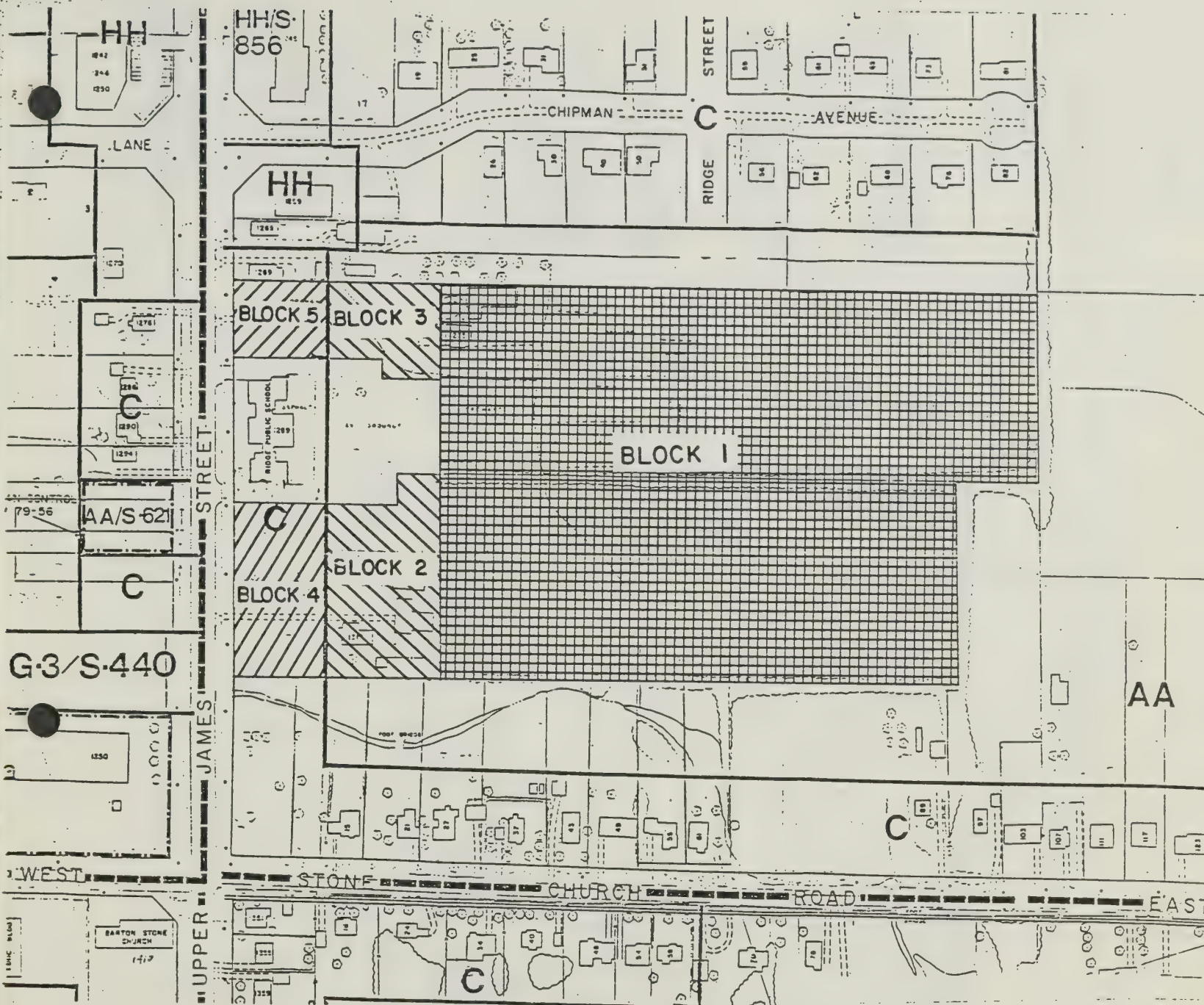


Scale
N. T. S.

Date
NOV. 2, 1988

Reference File No.
25T - 88035

Drawing No.



LEGEND

PROPOSED CHANGE IN ZONING FROM :



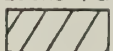
BLOCK 1
"AA"(AGRICULTURAL)DISTRICT TO "C"(URBAN PROTECTED RESIDENTIAL,ETC.)DISTRICT.

BLOCKS 2 & 3



"AA"(AGRICULTURAL)DISTRICT TO "CR-1"(COMMERCIAL-RESIDENTIAL)DISTRICT,MODIFIED

BLOCKS 4 & 5



"C"(URBAN PROTECTED RESIDENTIAL,ETC.)DISTRICT TO "CR-1"(COMMERCIAL-RESIDENTIAL)DISTRICT,MODIFIED.



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CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



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OFFICE OF THE CITY CLERK

1989 July 7

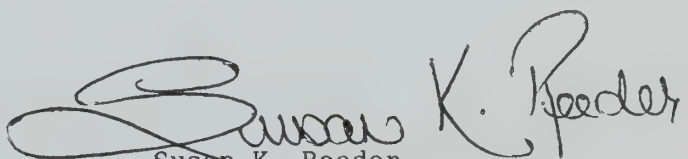
URBAN MUNICIPAL

JUL 11 1989

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 July 12th
1:30 o'clock p.m.
Room 233, City Hall

GOVERNMENT DOCUMENTS


Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD AT
3:00 O'CLOCK P.M. IN THE COUNCIL CHAMBERS.

A G E N D A

1. Minutes of the meeting held Tuesday, 1989 June 20th.

CHIEF ADMINISTRATIVE OFFICER

2. Review of functions of the City Building Department.

BUILDING COMMISSIONER

3. Demolition Permit Applications.
4. Demolition - 87-89 Peter Street.
5. Backyard Cleanup - 144 Beach Road.
6. Appointment of Inspectors under the Building Code Act.

DIRECTOR OF COMMUNITY DEVELOPMENT

7. Applications - Ontario Home Renewal Programme.
8. Application - Commercial Facade Loan Programme.

MANAGER OF PURCHASING

9. Supply and Install Playstructures - Crown Point West/Stipeley Neighbourhood.

DIRECTOR OF PROPERTY

10. Sale - North half of Part 1, all of Part 5, Plan 62R-8770, Upper Ottawa Street to Mercanti Management Inc.
11. Sale - South part of Part 1, Plan 62R-8770, Upper Ottawa Street to Paul and Rita Giardini.
12. Development and Cost Recovery for Municipal Assistance for Subdivision.

CITY TREASURER

13. Final Release of Holdback - McLean-Peister Ltd.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

14. Designation of the Strathcona Firehall - 37 Strathcona Avenue North.
15. Demolition Control By-law -
 - (a) 22 Peter Street
 - (b) 266-268 King Street East
16. Heritage Permit Application - 111 St. Clair Avenue.
17. Proposed Demolition - 53 Lake Avenue North.
18. Establishment of Lister Block Staff Committee.

REFERRAL BACK FROM CITY COUNCIL

19. Correspondence - Barton Stone United Church respecting the Jerome Neighbourhood Plan and Zoning Application ZA88-131.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

20. Municipal Information Management.

DIRECTOR OF LOCAL PLANNING

21. Proposed Draft Plan of Condominium "Jilly Industrial Place" - north side of Hempstead Drive, west of Nebo Road.
22. Authorization for a Public Meeting - Albion Falls Neighbourhood Plan Amendment.
23. Site Plan Control Application DA89-69 - Upper Wentworth Medical Centre Holdings Ltd., owner of lands at 849 Upper Wentworth Street, Thorner Neighbourhood.

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

COUNCIL CHAMBERS

3:00 o'clock p.m.

24. Zoning Application 89-37, 428680 Ontario Limited (H. Schreiber), owner, for a change in zoning from "AA" to "C" for land in the area south of Rymal Road East and east of Upper Wellington Street; Barnstown Neighbourhood.
25. Zoning Application 89-27, Agommen Ltd., In Trust, prospective owner, for a change in zoning from "AA" to "DE-3" for property at 266 Limeridge Road East; Bruleville Neighbourhood.
 - (a) Submission - 32 Skylark Drive.
26. Zoning Application 89-34, Mahabir Homes Limited, prospective owner, for a change in zoning from "AA" to "RT-20" for properties at 272, 276, 282 and 288 Limeridge Road East; Bruleville Neighbourhood.

3:15 o'clock p.m.

27. Zoning Application 89-14, G. T. Dilar, owner, for a change in zoning from "AA" to "E-2" for property at 1158 Upper Wentworth Street; Crerar Neighbourhood.

(a) Submission - 245 Crerar Drive.

28. Zoning Application 89-30, 698775 Ontario Inc., (A. Clarke), owner, for a modification to the "C" District regulations for properties at 64 Fairholt Road South and 85 Dunsmure Road; Stipeley Neighbourhood.

3:30 o'clock p.m.

29. Zoning Application 89-31, A. Gumiero and Pupi, owners, for a further modification to the "DE-2" District regulations for properties at 240 and 244 Quigley Road; Vincent Neighbourhood.

30. Zoning Application 89-40, GNAS Land Group Inc., owner, for a modification to the "M-12" District regulations for properties at 1124 and 1136 Rymal Road East; West Hannon Neighbourhood.

3:45 o'clock p.m.

31. Subdivision Application 88-05 and Zoning Application 89-15, Starward Homes Ltd., owner, for a change in zoning from "AA" to "C" for lands north of Stone Church Road West and west of Chesley Street; Gourley Neighbourhood.

32. Zoning Application 89-05, 583783 Ontario Inc. (D. and F. Steller), owners, for a further modification to the "E-1" District regulations for property at 10 Herkimer Street; Durand Neighbourhood.

(a) Submission - 192 Bold Street.

(b) Submission - 227 MacNab Street South, #3.

ALDERMAN SMITH

33. Jubilee Homes - Applewood Development Project - Upper Ottawa Street.
(No copy)

34. Other Business.

35. Adjournment.

Tuesday, 1989 June 20
7:15 o'clock p.m.
Room 233, City Hall

A Special meeting of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman D. Ross
Mayor R. M. Morrow
Alderman D. Christopherson
Alderman B. Hinkley
Alderman H. Merling

Regrets: Alderman M. Kiss - Civic Business
Alderman W. McCulloch - Civic Business

Also present: Mr. E. W. Kowalski, Director of Community
Development
Mr. J. J. Schatz, Acting Secretary
Planning and Development Committee

The Committee AGREED to suspend Rule No. 2 (4) of Procedural By-law No. 82-203 respecting Notice of Meeting in as much as the twenty-four hour notice requirement was not met for this meeting of the Committee.

As recommended by the Transport and Environment Committee in a report dated 1989 June 20, the Committee AGREED to recommend the following to City Council:


- (a) That for 1989, the City use the funds from the Community Development Department's Commercial Improvement Program Account, in an amount not to exceed \$49 500, to supply and maintain:
 - i. the floral planters in the Ottawa Street B.I.A. and Downtown Promenade B.I.A.
 - ii. the hanging flower baskets in the following B.I.A.'s:

Concession Street B.I.A.
Westdale B.I.A.
International Village B.I.A.
Downtown Promenade B.I.A.
Barton Street B.I.A.
- (b) That staff be directed to meet with all City Business Improvement Areas to determine possible future cost sharing arrangements for the floral planter and hanging flower basket programs.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE


J. J. Schatz
Acting Secretary
1989 June 20

FOR ACTION

2.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. Lou Sage
Chief Administrative Officer

DATE: 1989 July 6
COMM FILE:
DEPT FILE: 211-0001

SUBJECT: Review of Functions of the City Building Department.

RECOMMENDATION:

That the Chief Administrative Officer be directed to review the structure of the Building Department in conjunction with the Building Commissioner and Commissioner, Human Resources Centre. This review would involve the examination of other municipal Building Departments and would examine the relationship of the Building Department to the Licensing Division of the City Clerks Department, the Fire Prevention Division of the Fire Department and the Establishment Inspectors at the Health Department. On completion of the review, recommendations will be forwarded to the Co-ordinating Committee for consideration.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

[Handwritten signature]

BACKGROUND:

The Planning and Development Committee requested that the Chief Administrative Officer report back to the Planning and Development Committee on the process to be used in reviewing a possible re-structuring of the City Building Department.

With the appointment of the Building Commissioner, preliminary work done on the reorganization of the Building Department should now be finalized in report form. The applicable By-laws provide for the Chief Administrative Officer to Report to the Co-ordinating Committee and then to Council on all matters relating to departmental reorganization.

cc Mayor R. Morrow
Members of City Council
Mr. L. King
Mr. J. Johnston

FOR ACTION

3.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: July 5, 1989

COMM. FILE:

DEPT. FILE:

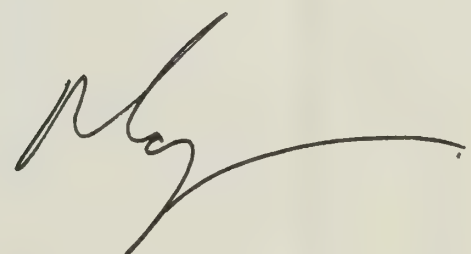
SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 62 East Bend North
- b. 1526 Upper Gage Avenue
- c. 1532 Upper Gage Avenue
- d. 270 Victoria Avenue North
- e. 72 Limeridge Road East

A handwritten signature in dark ink, appearing to be 'N. King', with a long horizontal flourish extending to the right.

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

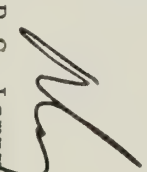
BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: July 5, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	62 Eastbend N.	S.F.D.	T.F.D.	25' X 100'	Joe Gialomodonato	"D"	It is recommended that Committee approve demolition.
B.	1532 Upper Gage	S.F.D.	Shopping Plaza	100' X 283'	Jayzee Projects Ltd.	"G/S-1064"	It is recommended that Committee approve demolition.
C.	1526 Upper Gage	S.F.D.	Shopping Plaza	78.1' X 283'	Jayzee Projects Ltd.	"G/S-1064"	It is recommended that Committee approve demolition.
D.	270 Victoria N.	Comm/Res.	Gas Station & Retail space	132' X 157'	I.R.E.M.E.	"H"	It is recommended that Committee approve demolition. NOTE: L.A.C.A.C. has shown interest after application was made.
E.	72 Limeridge E.	S.F.D.	S.F.D.	60' X 176'	Mikolas & Bronsilawa Byk	"C"	It is recommended that Committee approve demolition. NOTE: Tabled at last meeting pending court action.


P.C. Lampman, P. Eng.,
Manager Plan Examination

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

DATE: 1989 July 5
COMM FILE:
DEPT FILE:

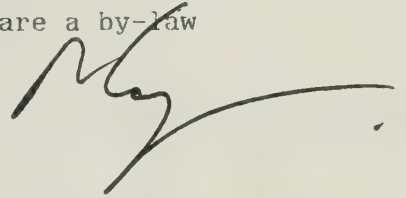
SUBJECT: 87-89 Peter Street

RECOMMENDATION:

1. That the Building Department be directed to enforce an Order regarding an unsafe condition dated June 12, 1989 requiring the demolition of the two attached single family dwellings at 87-89 Peter Street.
2. That the City Solicitor be authorized to prepare a by-law for the demolition of this property.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The cost of the demolition, together with administration costs of both the Real Estate Department and the Building Department will be added to the tax roll, to be collected in a like manner as municipal taxes.



BACKGROUND:

This property has been the source of several complaints about the general conditions of the property. The building is a one and a half storey wood frame construction. The building is presently boarded up from the exterior. Much of the roof has damaged sheathing. Most of the existing shingles are severely damaged. It appears that construction has started to improve the building but has been abandoned. Information has been received that the building has been in this abandoned state for approximately two and a half years. A professional engineer employed by the Building Department in a report has advised that the building is structurally unsound as defined in the Ontario Building Code Act, R.S.O. 1980.



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION

TAKE NOTICE THAT THE partially demolished building
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1	Building Code	The partially demolished building is in violation of the Building Code and does not meet the minimum requirements for structural integrity.
2	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for fire safety.
3	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for accessibility.
4	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for energy efficiency.
5	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for environmental protection.
6	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for public safety.
7	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for health and safety.
8	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for noise and vibration.
9	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for water and sewerage.
10	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for electrical safety.
11	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for gas safety.
12	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for pest control.
13	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for asbestos abatement.
14	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for lead abatement.
15	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for mold remediation.
16	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for radon mitigation.
17	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for seismic safety.
18	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for historic preservation.
19	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for archaeological protection.
20	Building Code	The building is in violation of the Building Code and does not meet the minimum requirements for cultural heritage.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY FORTHWITH/WITHIN SEVEN (7) DAYS

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

POSTED BY	DATE	INSPECTOR	DATE
RECEIVED BY			

PHONE DIRECT 526-2782
8 AM - 9 AM

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

DATE: 1989 July 5
COMM FILE:
DEPT FILE:

SUBJECT: 144 Beach Road, Hamilton

RECOMMENDATION:

1. That the Building Commissioner be authorized to clear the above property of all debris and garbage in accordance with By-Law 74-74.
2. That the City Solicitor be authorized to prepare a By-Law for the cleanup of the rear yard at 144 Beach Road, Hamilton.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The cost of the clearing of the debris will be added to the tax roll to be collected in a like manner as municipal taxes. We estimate the cost of this clean up to be approximately \$3,000.00 plus administration costs.

BACKGROUND:

We have since August of 1988 been active in the enforcement of the Property Standards By-Law, culminating in a appeal to the Property Standards Committee on May 11th, 1989. At this time, the decision of the Committee was as follows:

"That the Order of the Property Standards Officer dated January 30th, 1989 be upheld and confirmed and be registered on title but that enforcement of the Order be postponed for a period of 60 days regarding items 1 to 5 on the Order and 30 days for item 6. A copy of the Order is attached.



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

- ORDER -

Pursuant to section 31 (7) of the Planning Act, 1983

Issued To:

Frank Wayda,
Box 33, Station B,
Hamilton, Ontario.
L7L 7T5

Municipal Address:

144 Beach Road,
Lot No.66, Orchard Park Survey,
Registered Plan No.465,
More Particularly described in Instrument
Number 263817 C.D., registered in the
Registry Office at Hamilton, Ontario.

TAKE NOTICE that you as the Owner are hereby ordered to carry out the work as outlined herein which is in contravention of the Property Standards By-Law 74-74 as amended - or alternately the site be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition within thirty-three (33) days of service of this Order.

ITEM	BY-LAW SECTION	PARTICULARS OF THE REPAIRS TO BE EFFECTED
1.	3(5)(b)	The <u>eavestrough or gutter</u> shall be repaired to provide drainage.
2.	4(5)	Treat the <u>exterior exposed surfaces of the building</u> (soffit, fascia, windows (sashes & sills), doors, etc.) with a protective coat of paint or other sealing or coating material to prevent deterioration.
3.	4(2)	Repair the deteriorated <u>exterior walls</u> so as to make them free from possible accident hazards. (Masonry pointing required on east, west and north walls of brick portion of building, also north east corner of building at foundation, several bricks missing and/or deteriorated.)
4.	5(2)	Install <u>structural framing</u> to adequately carry subjected loads. (Beam/lintel above front entrance door has failed, causing a sagging condition to building front).
5.	4(6)	Replace the <u>cracked window panes</u> (two front east and west sidelights at each side of main entrance door).
6.	19(1)(b)	Remove the <u>salvage materials, metal, wood and rubber objects thereof</u> from the property.

continued...

Order
144 Beach Road
Hamilton, Ontario

ITEM	BY-LAW SECTION	PARTICULARS OF THE REPAIRS TO BE EFFECTED
------	-------------------	---

TAKE NOTICE that a Building Permit is required before demolition work or any material alteration or repair to a building or system is done.

AND TAKE NOTICE FURTHER that if the building is used as a rental residential property, you must also comply with the requirements of The Rental Housing Protection Act.

AND TAKE NOTICE FURTHER that in default of compliance with the foregoing, within the time specified herein:-

- a) The Corporation of The City of Hamilton may carry out the repair or clearance at the expense of the owner, and
- b) Every owner who contravenes an Order that is final and binding, on summary conviction is liable to a fine not exceeding \$500.00 for each day of contravention that he is in contravention of such an Order.
- c) Notice of Appeal shall be sent by Registered Mail to the Secretary of the Property Standards Committee, City Hall, 71 Main Street West, Hamilton, Ontario.
- d) THE LAST DATE of appeal of this Order is January 30, 1989.

ISSUED ON: December 28, 1988

SERVED BY: Registered Mail

PROPERTY STANDARDS OFFICER: W. Dupont

DATE: December 28, 1988

SIGNATURE: William Dupont

WITNESS: W. F. F. F.

END OF DOCUMENT

"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e)."

FOR ACTION

6.

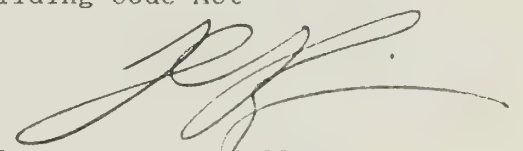
REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

DATE: 1989 June 30
COMM FILE:
DEPT FILE: 87-312

SUBJECT: Appointment of Inspectors under the Building Code Act

RECOMMENDATION:



That the City Solicitor be authorized to amend by-law 87-312 as follows:

- a) Section 9(a) be amended by adding the following names:
 - i) John Lane
 - ii) Galy Daly
- b) That Section 9(a) be further amended by deleting the name:
 - i) William Baxter
- c) That Section 1(a) be amended by deleting the name:
 - i) Paul Kuppe
- d) That Section 1(a) be further amended by adding the name:
 - i) Len King
- e) That Section 2(a) be amended by deleting the name:
 - i) Len King
- f) That Section 3 be amended by replacing "Section 2" with "Section 6".
- g) That By-Law 89-184 be repealed.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Due to recent changes in the staff of the Building Department, By-Law 87-312 respecting the Appointment of Inspectors needs to be amended to accommodate these changes.

7.

FOR ACTION

REPORT TO: Susan K. Reeder, Secretary
Planning & Development Committee

FROM: E. W. Kowalski, Director
Department of Community Development

DATE: 1989 June 28
COMM FILE: 800-0300

SUBJECT:

Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION:

That the Director of Community Development be authorized to process the following grant/loan(s) in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The applications listed below are currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and fifty-six (3,856).

- (a) Ingeborg Morgan
185 McAnulty Blvd.
- (b) Doris Robertson
477 Concession St.
- (c) Janis Berzins
23 Elgar Ave.
- (d) Charles & Yvonne McGinlay
36 Nicklaus Dr.

FOR ACTION

9.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

DATE: 1989 June 13
COMM FILE:
DEPT FILE: T9-2-89
JUN 16 1989

SUBJECT: SUPPLY & INSTALL PLAYSTRUCTURES, CROWN POINT WEST/STIPELEY
NEIGHBORHOOD

RECOMMENDATION:

That a purchase order be issued to Belair Recreational Products Inc., Brantford, in the amount of \$10,995.00 plus applicable taxes, for the supply and installation of Playstructures in the Crown Point West/Stipeley Neighborhood, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Crown Point West/Stipeley Account #CF5698 428701203.

As this installation is to be completed prior to the end of the school year, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

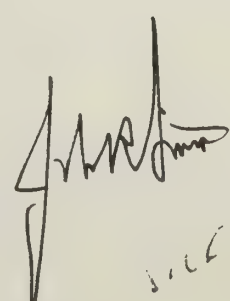

T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:-Tender Analysis

Belair Recreational Products, Brantford	\$10,995.00
Henderson Recreation Equipment Limited, Norwich	13,044.96
Paris Playground Equipment Inc., Paris	17,009.82
Kompan Playscapes, Guelph	21,691.80

Provincial sales tax extra at 8%


JUN 16 1989

FOR ACTION

10.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 July 4
COMM FILE:
DEPT FILE: (4504)

SUBJECT: Sale-North Half Part 1, All Part 5, Plan 62R-8770
Upper Ottawa Street - Mercanti Management Inc.

RECOMMENDATION:

That an Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of the north half of Part 1 and all of Part 5 on Plan 62R-8770 along the western limit of Upper Ottawa Street duly executed on June 20, 1989 by the Purchaser, Mercanti Management Inc. and scheduled to close on or before November 21, 1989, be approved and completed.

Note: The purchase price is \$106,675.00. A deposit cheque in the amount of \$10,667.00 is being held by the City Treasurer pending Council approval.

The property is composed of part of Lot 10 and Block 17 on Plan 62M-352, more particularly described as the north half of Part 1 and all of Part 5 on Plan 62R-8770 having a frontage along the western limit of Upper Ottawa Street of 45.72 metres (150 feet) more or less by a depth of 111.11 metres/110.756 metres (364.53 feet/363.37 feet) and containing an approximate area of 1.255 acres.

It is understood and agreed by the Purchaser that the subject lands have services available to it on Upper Ottawa Street; however, the Purchaser acknowledges and agrees that there are no lateral connections of the sewer and water lines to the Purchaser's property line. The Purchaser is responsible at its sole cost to provide these sewer and water connections.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms shall be included in the Committee's resolution to City Council.


D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The purchase price is to be credited to account RF-45001 25202 (Reserve for Property Purchases).

BACKGROUND:

The Real Estate Division of the Property Department has received an inquiry from Mr. Sam Mercanti of Mercanti Management Inc. who wishes to purchase approximately 1.2 acres of M-15 zoned industrial land in order to construct a 10,000 square foot building for lease purposes.

The property has not been on the market for some time now as we were waiting for the M-15 zoning by-law to be amended. In view of the finalization of the zoning change, we are prepared to support the sale to Mercanti Management Inc.

Attach.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor
 - Mr. S. Ghanem, Director, Economic Development Department
Attention: Mr. Scott Galbraith

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 July 4
COMM FILE:
DEPT FILE: (4504)

SUBJECT: **Sale-South Part, Part 1, Plan 62R-8770**
Upper Ottawa Street - Paul Giardini and Rita Giardini

RECOMMENDATION:

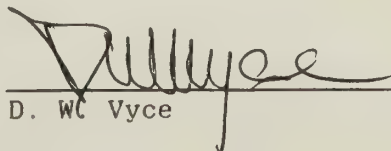
That an Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of the south half of Part 1, Plan 62R-8770 along the western limit of Upper Ottawa Street duly executed on June 26, 1989 by the Purchaser, Paul Giardini and Rita Giardini and scheduled to close on or before September 21, 1989, be approved and completed.

Note: The purchase price is \$106,675.00. A deposit cheque in the amount of \$10,667.00 is being held by the City Treasurer pending Council approval.

The property is composed of part of Lot 10 on Plan 62M-352, more particularly described as the south half of Part 1, Plan 62R-8770 having a frontage along the western limit of Upper Ottawa Street of 45.72 metres (150 feet) more or less by a depth of 111.11 metres (364.53 feet) more or less and containing an approximate area of 1.255 acres.

It is understood and agreed by the Purchaser that the subject lands have services available to it on Upper Ottawa Street; however, the Purchaser acknowledges and agrees that there are no lateral connections of the sewer and water lines to the Purchaser's property line. The Purchaser is responsible at its sole cost to provide these sewer and water connections.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms shall be included in the Committee's resolution to City Council.



D. W. Vyce

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The purchase price is to be credited to account RF-45001 25202 (Reserve for Property Purchases).

BACKGROUND:

The Real Estate Division of the Property Department has received an inquiry from Mr. Paul Giardini to purchase an industrial lot to construct a building to house his restoration business which will employ 10 people.

The property has not been on the market for some time now as we were waiting for the M-15 zoning by-law to be amended. In view of the finalization of the zoning change, we are prepared to support the sale to Paul Giardini and Rita Giardini.

Attach.

c.c. - Mr. K.A. Rouff, City Solicitor

- Mr. E.C. Matthews, City Treasurer

- Mr. M. Chidley, Regional Surveyor

- Mr. S. Ghanem, Director, Economic Development Department
Attention: Mr. Scott Galbraith

FOR ACTION

12.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 June 7
COMM FILE:
DEPT FILE: (4506)

JUN 9 1989

SUBJECT: **Municipal Assistance for (Subdivision)
Development and Cost Recovery -**

RECOMMENDATION:

- (a) That municipal staff be authorized to obtain roads and servicing easements from third party owners to assist developers expedite Land Title Applications and the registration of plans of subdivision, and
- (b) that all costs associated with municipal participation be fully recovered from those developers requesting such assistance.


D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

Subsection D7 of the Hamilton Official Plan sets out guidelines for providing assistance to developers as follows:

7.2 "Where difficulty is experienced by a developer in assembling land for a development or redevelopment which is encouraged in, or would further the intent of, this Plan, Council may, if requested offer its assistance and:

- (i) may act as an intermediary through the use of its good offices to secure the voluntary co-operation of all parties necessary to bring the proposed development, or redevelopment, to fruition:"

This section of the Official Plan has been successfully used on numerous occasions over the years to obtain roadways and easements for municipal services where the developer has been unable to proceed.

In the past year however this department has received several additional requests from developers to actively become involved with third party owners to acquire these interests, not because they have encountered difficulty, but solely to speed up the Land Title Application process and the registration of subdivision plans.

Although there are obvious financial benefits to the developer in expediting the registration of subdivision plans, there are also advantages to the City in terms of obtaining earlier tax revenue and housing availability as well as encouraging a favourable climate for investment and development. The benefits to the City however come at the price of a significant expenditure of staff time involving the Engineering, Property and Legal Departments in such activities as preparing purchase documentation, surveys, road opening by-laws, title searches and Registry Office closings.

While we can appreciate the concerns expressed by developers about delays in Land Title registration, and although there have been occasions where the City has actively participated in similar circumstances in the past, we believe that (a) in view of the increasing frequency of these requests, (b) the Official Plan guidelines specifying difficulty not expediency as a basis for municipal assistance, and (c) the disparate expenditure of municipal staff time involved in providing such assistance, that clear authorization for municipal involvement, and direction as to the recovery of costs from the developer is warranted.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. V.J. Abraham, Director of Local Planning
- Mr. G.S. Spencer, Regional Commissioner of Engineering
 Attention: Mr. K. Brenner
- Mr. E.C. Matthews, City Treasurer

FOR ACTION

13.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. C. Matthews
Treasurer

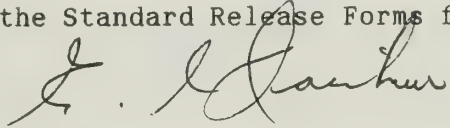
DATE: 1989 June 14
COMM FILE:
DEPT FILE:

SUBJECT: FINAL RELEASE OF HOLDBACK

JUN 15 1989

RECOMMENDATION:

That total holdback in the amount of \$28,005.85 be released to McLean-Peister Ltd. for the completion of contract No. 31783, for the construction of Corktown-Stinson ONIP pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.



FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Contractor is entitled to release of holdback on the 46th day after total completion.

BACKGROUND:

The contract was approved by Council May 12, 1988 for \$275,993.00 and increased by \$4,065.00 (authorized change orders) for a final project total of \$280,058.50. The project was totally performed on May 1, 1989. The 45 day lien period expires June 14, 1989 and I am recommending release of all holdback monies at this time pending receipt of the necessary release forms by the Treasury.

FOR ACTION

14.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 July 4

COMM FILE:
DEPT FILE:

SUBJECT: DESIGNATION OF THE STRATHCONA FIREHALL,
37 STRATHCONA AVENUE NORTH

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" the former Strathcona Firehall 1896 Building at 37 Strathcona Avenue North as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee gave preliminary approval at its meeting held 1989 June 26.

The former Strathcona Firehall, located opposite Victoria Park at the corner of Strathcona Avenue North and Head Street is listed on the City's Inventory of Architecturally and/or Historically Significant Buildings.

Built in 1897, it is one of only three 19th Century fire stations still standing in Hamilton. Moreover, as a representative example of a vanishing 19th century building type in Ontario, this firehall is also important within a provincial context.

The current owner, St. Demetrios Greek Orthodox Church has just applied for a permit to demolish the firehall and the early 20th Century 2-storey brick house beside it at 41 Strathcona Avenue North. The proposed use of the land is to provide additional parking for the church.

The demolition of the house was approved by the Planning and Development Committee at its meeting held 1989 June 14. The demolition application for the firehall, however, does not require Council approval.

The firehall was closed in 1956 and was leased by the City of Hamilton to Hamilton Theatre Inc. in 1960. In 1965 the facility doubled in size with a large rear addition. The property was sold in 1985 to St. Demetrios Greek Orthodox Church, leaving the firehall vacant since the theatre group moved out in 1986.

LACAC representatives are planning to meet with the owners of the property prior to the meeting of the Planning and Development Committee. Representatives of St. Demetrios Greek Orthodox Church attended the last LACAC meeting and were present when the vote to send a request for designation was passed and carried by the Committee. No objections were received at that time.

Photographs, a map, reasons for designation, and planning information are attached.

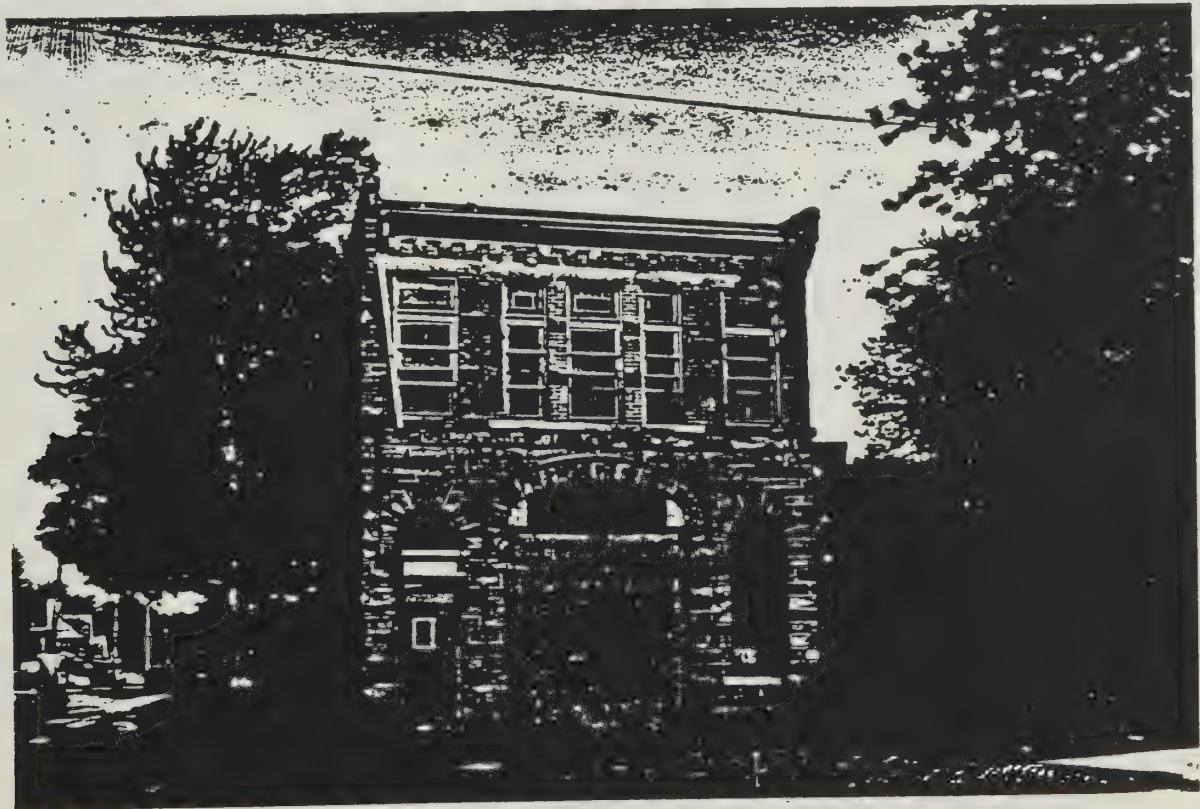
CC/mec

Attached

c.c. Mr. P. Lampman, Building Department

**HAMILTON LACAC
HERITAGE RESEARCH FORM**

NAME AND ADDRESS OF PROPERTY: 37-39 Strathcona Ave North
PRESENT OWNER(s): St. Demetrios Greek Church
PRESENT OCCUPANT(s): Vacant
PRESENT USE:

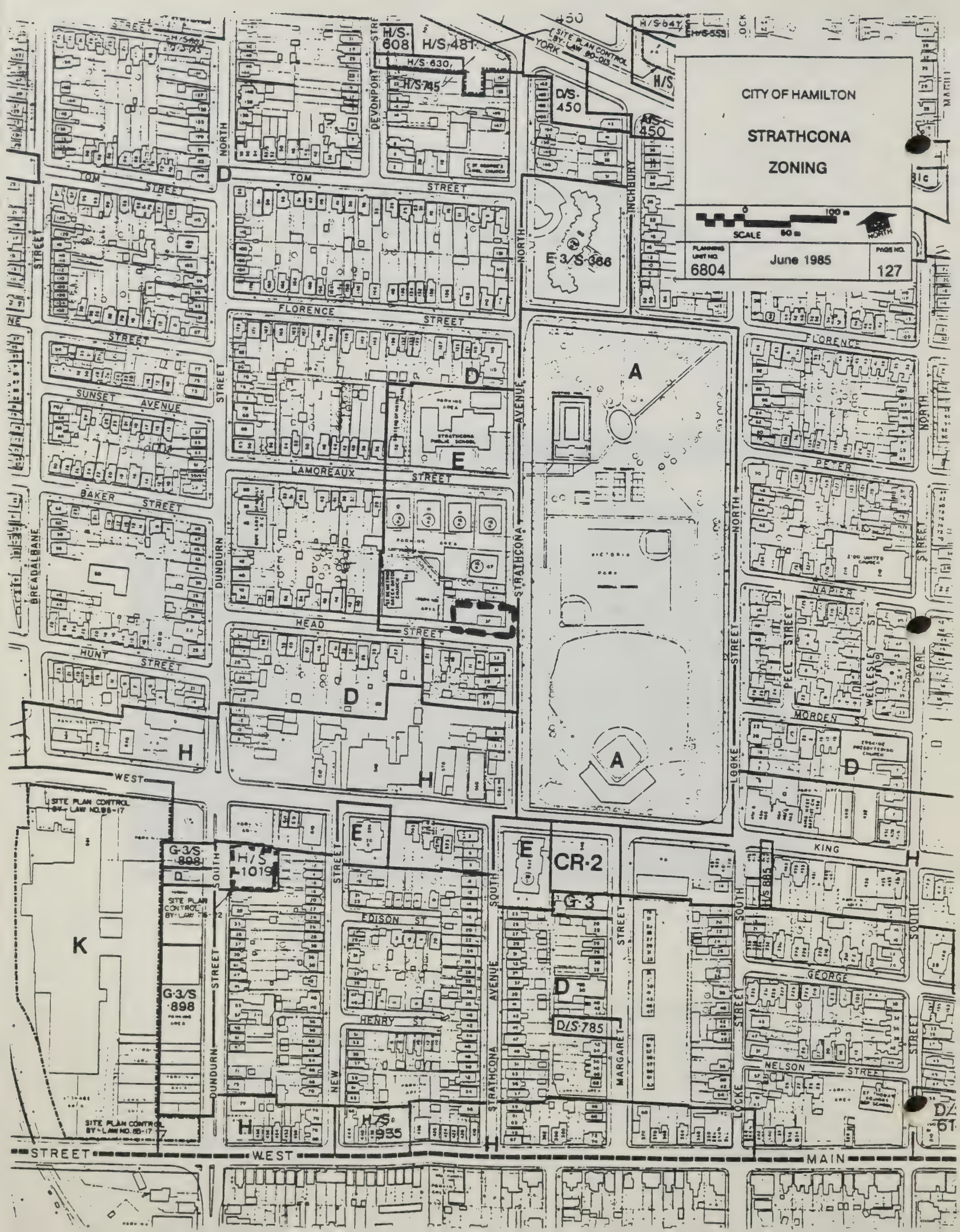


DATE OF CONSTRUCTION: 1896
ARCHITECT AND/OR BUILDER: Lucien Hills
ORIGINAL OWNER(s): Hamilton Fire Department
ORIGINAL OCCUPANT(s): Same
SIGNIFICANCE: Historical/Architectural

CITY OF HAMILTON

STRATHCONA ZONING

SCALE 0 50 100
PLANNING UNIT NO. 6804
June 1985
PAGE NO. 127



PLANNING INFORMATION

Strathcona Fire Station

CURRENT ZONING:

"E" (Multiple Dwellings, Lodgers, Clubs, Etc) District as are adjacent properties to the north, south and west

-The lands to the east are zoned within the "A" (Conservation, Open Space, Park and Recreation) District

PLANNING POLICIES:

Official Plan

Designated "Residential" on Schedule A - Land Use Concept of the Official Plan

-The primary uses permitted are dwellings or uses compatible to dwellings that are deemed necessary by council to serve the needs of local residents. These include:

- Public Parks
- Schools, Churches and Similar Institutional Uses
- Individual Retail or Service Stores in a Multiple Dwelling
- Limited individual or groups of commercial uses

Neighbourhood Plan(s)

Not available at this time

CURRENT STATUS:

as of June 26, 1989.

Heritage Designation - No
Listed Building - Yes
Site Plan Control - Yes
Demolition Control - No
Zoning Change - No

SUMMARY OF ARCHITECTURAL AND HISTORICAL SIGNIFICANCE
Former Strathcona Fire Station, 37 Strathcona Avenue North

Introduction and Present Context

The former Strathcona Fire Station, built in 1897, is located on Strathcona Avenue North at the corner of Head Street, facing Victoria Park. This small two-storey building fits harmoniously into its residential setting, still composed to a large extent of late 19th and early 20th century housing. Its handsome brick and sandstone facade is the most distinctive feature of the tree-lined streetscape of Strathcona Avenue North forming the western boundary of Victoria Park and adds visual interest to the park itself.

Historical Importance

- #5 Fire Station: the last of five small neighbourhood fire stations built in the 19th century and one of only three surviving ones.
- #1 55 Victoria Ave. North; built late 1870s or early 1880s; extant but greatly altered; now houses the Apostolic Christian Church.
- #2 67 Bay St. South; opened in 1882; demolished.
- #3 57 King William Street; opened in 1883; demolished.
- #4 312 John St. North; erected in 1890; now houses Diamond Beverages Ltd.

History of Use of Strathcona Firehall:

- initially used by the Fire Department as a storehouse; did not become a functioning fire station until 1902 when a horse wagon, team and three men were located there.
- ceased to be used by the Fire Department in the late fifties and in 1960 was leased by the City to a local theatre group, Hamilton Theatre Inc.
- sold by the City in 1985 to St. Demetrios Greek Orthodox Church and has stood vacant since the theatre group moved out in 1986.

(1)

FOR ACTION

15a

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 July 5

COMM FILE:

DEPT FILE:

SUBJECT: 22 PETER STREET - DEMOLITION APPLICATION

RECOMMENDATION:

That the provisions of the Demolition Control By-law be applied to the property at 22 Peter Street.

FINANCIAL IMPLICATIONS: (IF NONE. STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 June 26 recommended that the provisions of the Demolition Control By-law be applied to this property.

A listed property, 22 Peter Street is a second unit of a 4-unit brick row house built in 1885-6. The terrace, as a whole, has been evaluated by the Research Sub-Committee as worthy of designation under the Ontario Heritage Act, 1983.

The Demolition Control By-law may be applied to any residential property in the City of Hamilton. This by-law may be invoked by City Council to delay the issuance of a demolition permit until a building permit has been issued to erect a new building on the site of the building to be demolished. A second condition on the issuance of a demolition permit which may be imposed under this by-law is that the applicant must construct and substantially complete the new building to be erected on the site within two (2) years or within a specified time of not less than two (2) years.

Demolition Control was introduced under the Planning Act to protect affordable housing but it can also serve as a useful tool for preserving buildings of heritage value by providing for a delay in demolition, thereby enabling negotiations to take place between the City and the property owner. It can also be used to prevent the demolition of residential buildings for the purpose of creating long term parking lots.

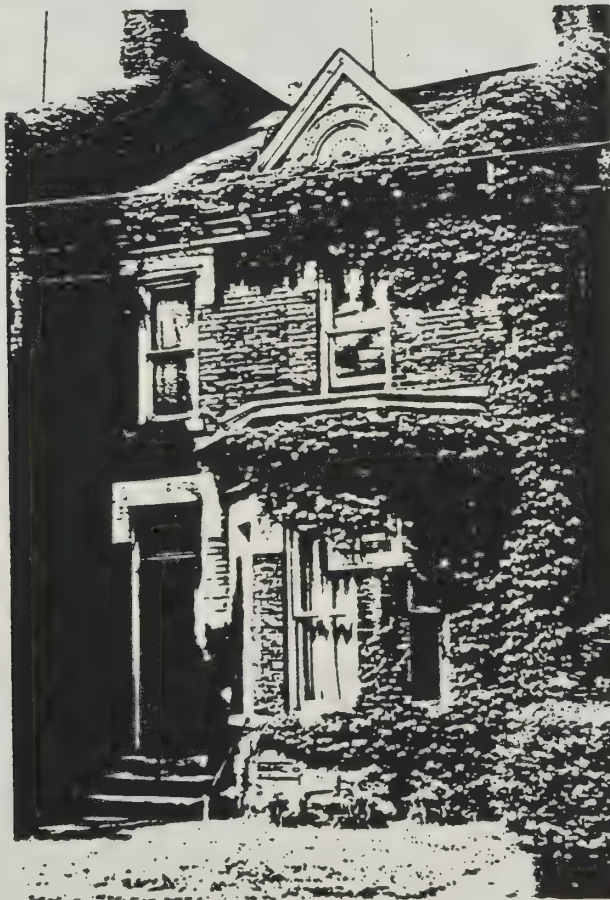
The necessary planning information is attached.

CC/mec

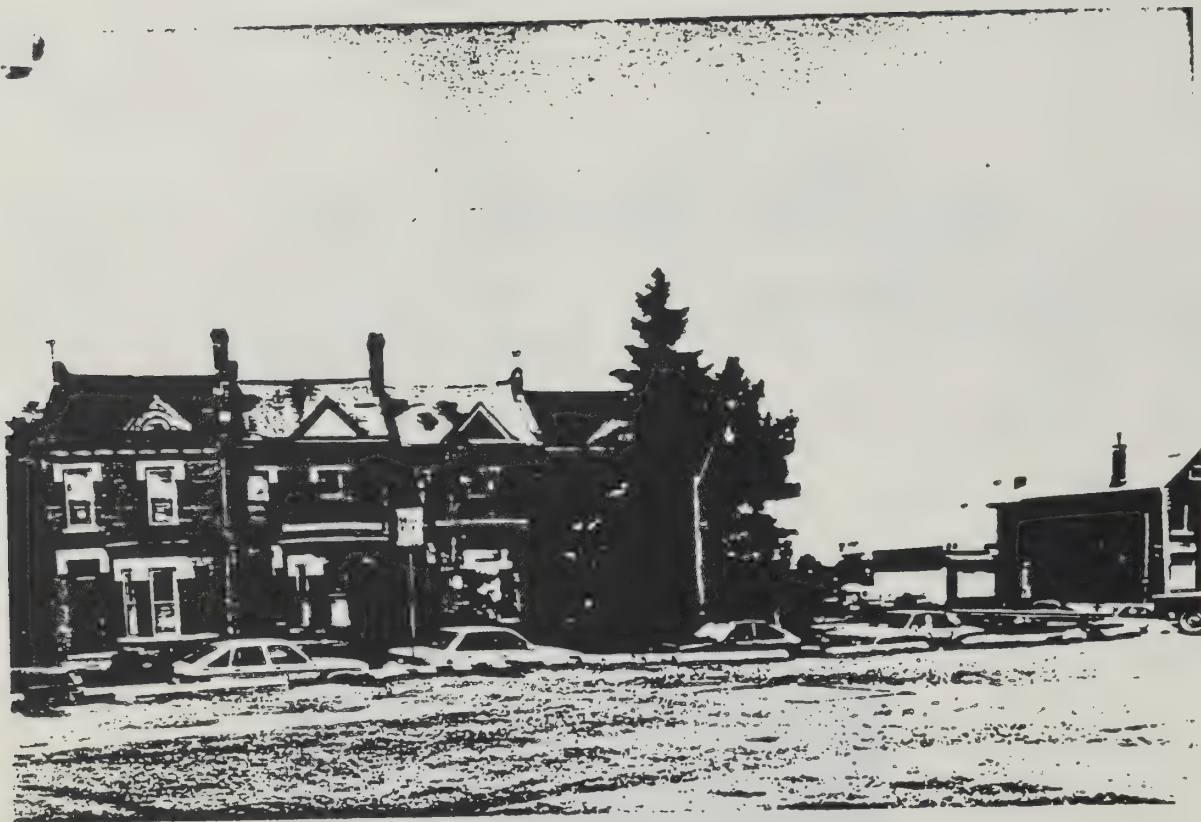
c.c. Mr. P. Lampton, Building Department

**HAMILTON LACAC
HERITAGE RESEARCH FORM**

NAME AND ADDRESS OF PROPERTY: 22 Peter Street
PRESENT OWNER(s): Douglas Lyle Nash
PRESENT OCCUPANT(s): Vacant
PRESENT USE:

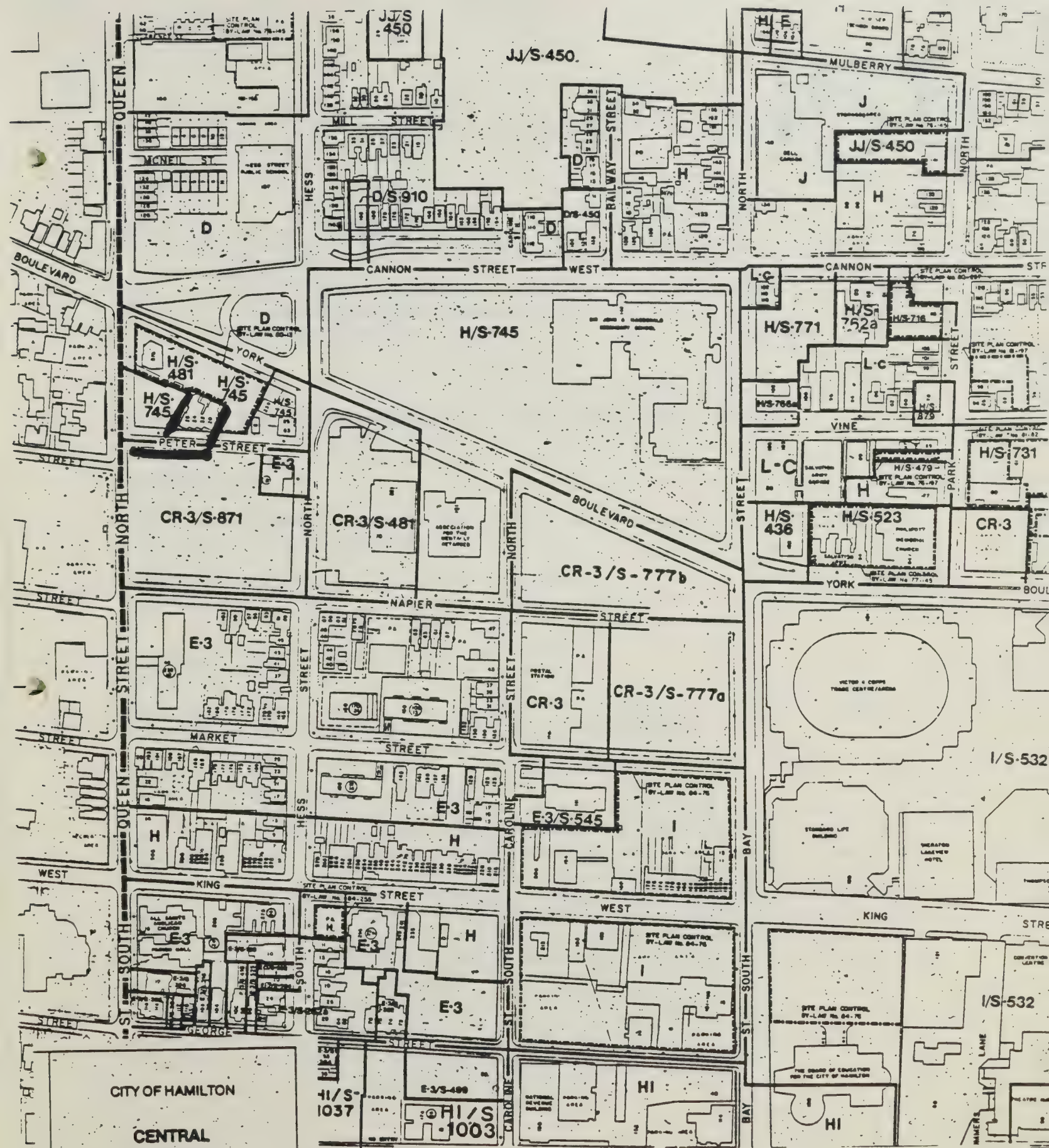


DATE OF CONSTRUCTION: 1885-86
ARCHITECT AND/OR BUILDER:
ORIGINAL OWNER(s): Robert Thomson - merchant
ORIGINAL OCCUPANT(s): Same
SIGNIFICANCE: Architectural



4 Unit Rowhouse at 20-26 Peter Street





ZONING:

Modification to the established "H" (Community Shopping and Commercial, etc.) District as per By-law 81-108 applicable to properties within the York Boulevard Redevelopment Area in regards to signage.

FOR ACTION

15b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 July 5

COMM FILE:

DEPT FILE:

SUBJECT: 266-268 KING STREET EAST - DEMOLITION CONTROL BY-LAW

RECOMMENDATION:

That the provisions of the Demolition Control By-law be applied to the properties located at 266-268 King Street East.

FINANCIAL IMPLICATIONS: (IF NONE. STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 June 26 gave preliminary approval for this recommendation.

266-268 King Street East are on the City's Inventory of Architecturally and/or Historically Significant Buildings.

Staff in the Building Department have recently advised LACAC that the owner of these properties, Mr. Hooshang Kakshoorian, has submitted an application for a demolition permit (which is not yet being processed as he has not yet paid the application fee). The owner has indicated that he plans to make application to demolish the adjacent St. Deny's apartment block at 270-280 King Street East and build a four-storey residential/commercial block. Both applications will, however, have to be approved by the Planning and Development Committee as the upper floors of 266-288 and 270-280 serve a residential use.

The "H" and "I" zoning in place along this section of King Street East, which respectively permits building heights of up to eight and thirty storeys, does not support the retention of the existing heritage building.

The Demolition Control By-law may be applied to any residential property in the City and may be invoked by Council to delay the issuance of a demolition permit until a building permit has been issued to erect a new building on the site of the building to be demolished. A second condition on the issuance of a demolition permit which may be imposed under this by-law is that the applicant must construct and substantially complete the new building within two (2) years or within a specified time of not less than two (2) years.

Demolition Control was introduced under the Planning Act to protect affordable housing but it can also serve as a useful tool in preserving buildings of heritage value by providing a delay in demolition, thereby enabling negotiations to take place between the City and the property owner. It can also be used to prevent the demolition of residential buildings for the purpose of creating long term parking lots.

The necessary planning information is attached.

CC/mec

Attached

c.c. Mr. P. Lampton, Building Department

CITY OF HAMILTON - HERITAGE RESEARCH

Summary Sheet

1. BUILDING NAME(S)
2. ADDRESS 266-68 King Street East
3. LOT AND PLAN NUMBERS, PRESENT OWNER, TENANTS, AND LAND USE
Part Lot 3, Plan 1399
Owner: T. Brown
Tenant: Rave Records
Use: commercial
4. DATE OF CONSTRUCTION 1886
SOURCE Assessment Rolls 1885 and 1886, Ward 1, page 1
5. PHOTOGRAPH



6. ARCHITECT OR BUILDER
7. ORIGINAL OWNER Frank Beer, Butcher
8. ORIGINAL TENANT(S) Arthur Burke
9. USES
Originally this building was a hotel.
Simcoe Hotel: 1887 to 1918
Scarfe and Company Limited, paints: 1923 to 1968
10. BUILDING MATERIALS Brick
11. ARCHITECTURAL FEATURES AND SIGNIFICANCE
This three and a half storey brick building has slightly curved windows and two dormers.
12. HISTORICAL SIGNIFICANCE
This building was originally a hotel named The Simcoe Hotel. It was constructed in 1886 and continued to be known by this name until 1918. The Simcoe Hotel was one of six small hotels located on King Street East in the early 1900s. Scarfe and Company Limited conducted their paint business from this store for nearly half a century (1923 to 1968).

SOURCES OF INFORMATION

- | | | |
|---|-------------------------------------|---------------|
| 1. CURRENT CITY ASSESSMENT ROLL | <input checked="" type="checkbox"/> | May 1983 |
| 2. INSURANCE PLANS 1878 | <input type="checkbox"/> | _____ |
| 3. INSURANCE PLANS 1896, UPDATED TO 1916 | <input checked="" type="checkbox"/> | _____ |
| 4. HISTORICAL ATLAS OF THE COUNTY OF WENTWORTH
1875 AND 1903 | <input type="checkbox"/> | _____ |
| 5. HAMILTON CITY DIRECTORIES (VERNON) | <input checked="" type="checkbox"/> | 1885 to 1983 |
| 6. CITY ASSESSMENT ROLLS | <input checked="" type="checkbox"/> | 1885-86, 1890 |
| 7. ABSTRACT INDEX - REGISTRY OFFICE | <input type="checkbox"/> | _____ |
| 8. LEGAL INSTRUMENTS - REGISTRY OFFICE | <input type="checkbox"/> | _____ |
| 9. DICTIONARY OF HAMILTON BIOGRAPHY - BAILEY | <input type="checkbox"/> | _____ |

FOR ACTION

16.

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 July 4

COMM FILE:
DEPT FILE:

SUBJECT: 111 ST. CLAIR AVENUE - HERITAGE PERMIT

RECOMMENDATION:

That a Heritage Permit Application be approved for the new garage to be erected at the rear of the house located at 111 St. Clair Avenue, located within the St. Clair Heritage District.

C. Coutts

FINANCIAL IMPLICATIONS: (IF NONE. STATE N/A)

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1989 June 26 gave preliminary approval for a Heritage Permit Application for this property.

Any alterations additions or new construction within a Heritage Conservation District requires Council approval.

The Research Sub-Committee at its meeting held 1989 April 6 recommended the above as ideally the garage should be clad in either brick, to match the original garages on this early 20th Century residential street or board-and-batten siding which would be in keeping with its architectural character.

FOR ACTION

17.

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 July 4

COMM FILE:
DEPT FILE:

SUBJECT: 53 LAKE AVENUE NORTH - PROPOSED DEMOLITION

RECOMMENDATION:

That the proposed demolition of the City-owned house at 53 Lake Avenue North be referred to the Local Architectural Conservation Advisory Committee for review.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

C. J. Coutts

N/A

BACKGROUND:

The Local Architectural Conservation Architectural Committee at its meeting held 1989 June 26 requested that this item be referred to the Committee as 53 Lake Avenue North is on the City's Inventory of Architecturally and/or Historically Significant Buildings.

It has been recommended to the Parks and Recreation Committee that this house be demolished for the construction of a new Senior Citizens' Centre.

LACAC staff have recently been contacted by Marilyn Carrigan, the grand-daughter of the original owner (Joseph Massey) who is strongly opposed to the demolition of her former family home.

FOR ACTION

18.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 July 4

COMM FILE:
DEPT FILE:

SUBJECT: LISTER BLOCK STAFF COMMITTEE TO BE ESTABLISHED

RECOMMENDATION:

That the Planning and Development Committee support the Local Architectural Conservation Advisory Committee's request that a staff Committee consisting of representatives of the Planning, Economic Development, Community Development and Property Departments be established to meet with the Lister Block Action Committee to investigate possible uses of the Lister Block and to develop reuse alternatives.

Coutts

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

The Lister Block Action Committee, a Sub-Committee of the Local Architectural Conservation Advisory Committee, at its first meeting held 1989 May 24, recommended that a staff Committee be established to meet with Mr. Colussi, the new owner of the property to discuss possible uses for the property and to develop possible reuse alternatives.

51



cc. ✓Mr. E. A. Simpson, City Clerk

✓Council Members

✓Mrs. Susan Reeder, Secretary - Planning & Development Committee

) from Mayor Bob

Morrow, June

27th, 1989

Telephone



Barton Stone United Church

21 Stone Church Road West

Hamilton, Ontario

LSB 1A1

JUN 2

19.

Mr. Robert M. Morrow
Mayor, The City of Hamilton
71 Main Street West
HAMILTON, Ontario L8N 3T4

Rev. Ian

June 20th, 1989

Re: Hamilton City Council Meeting, June 27th, 1989
Approval: Jerome Neighbourhood Plan File P5-2-82
Approval: Zoning Application File ZA-88-131

Dear Sir,

It has come to our attention that the Planning and Development Committee in a meeting held on June 14, 1989, approved the above plan and zoning application.

Our Church was not advised of the above proposals or the meeting at which they were approved, in spite of the fact that we are located within 400 feet of the relevant properties. It would appear that approval of the above plan and application would have important and irreversable implications for our Church and its congregation which represents many Wards throughout the City.

Barton Stone United Church is unique in age, historical significance and attractive appearance in the otherwise commercial corridor which Upper James Street has become. We, like City planners of adjacent neighbourhoods, would like to have significantly-sized open or "green" areas left on the other corners of the intersection where our Church is located in order that its unique and attractive appearance may be preserved for generations to come. The Jerome Neighbourhood Plan, which will show commercial utilization of property on Upper James right up to the corner, and the zoning application which will allow for the construction of commercial and up to several stories of apartments on Upper James across from the Church do not seem to take into consideration, the future of our Church as an attractive historical landmark which will contribute to the appearance and quality of the City of Hamilton.

We would ask that you and City Council defer the above Plan and zoning application for further study in which our Church may participate and assist.

Yours Respectfully,

Ian S. Kirby-Smith

(Reverend Ian S. Kirby-Smith
Minister

Ross E. Godwin
Malcolm Bethune
J. Roy Berry

Board of Trustees

FOR ACTION

20.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1989 June 16
COMM FILE:
DEPT. FILE: P5-4-7-9

FROM: CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

SUBJECT:

Municipal Information Management.

BACKGROUND

As CAPIC attempts to monitor the implementation of the Central Area Plan, the lack of appropriate and timely information for effective monitoring is repeatedly encountered. CAPIC is putting in place procedures to gather and manage information it needs, but has only resources to do so in a provisional, ad hoc way. Information management systems that cross-index between departments that are comprehensive and permit easy access and retrieval of data are not in place. As a result, CAPIC spends far too much of its time trying to get good information rather than doing the job of monitoring implementation.

The City needs to begin addressing the issue of information management on an organization-wide basis. An automated, centralized information bank is badly needed. Such a system would permit monitoring of issues as they develop as well as allow trend analysis over the long term.

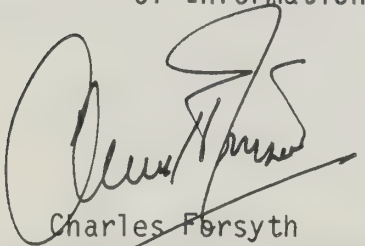
Information accessibility and ease of retrieval connects with citizen participation by letting people who want to know, easy and quick access to what they need to know. There is a need for an information clearing housing in City Hall that meets all of a citizen's information needs at one stop. This facility could function as a municipal government publications book store similar to Queen's Printers, as a civic notice board for hearings and meetings, and as a research archive. The Hamilton Public Library gathers some municipal documents, but not in a systematic way. McMaster University is presently to close the Urban Documentation Centre and will transfer some of this collection to the Mills Library. There is a need for a facility of this sort and perhaps a joint venture with the Public Library and McMaster University could be arranged.

The City currently is investigating geographic information systems through the PARCIL Project, and the issue of information management in light of the Freedom of Information Act. It seems timely for the City to build upon these initiatives and address municipal information management on an organization-wide basis, perhaps with the goal in mind of establishing a Municipal Information Management Plan. CAPIC would welcome and support such action.

RECOMMENDATION

That the Planning and Development Committee consider giving authorization to undertake a City of Hamilton Municipal Information Management Plan that would address, among other things:

- i) automated information management systems cross-indexed between departments;
- ii) storage, access and timely retrieval of archived materials;
- iii) policy implementation monitoring and historical trend analysis needs;
- iv) citizen access to public information;
- v) the establishment of a municipal information clearing house; and,
- vi) co-ordination with the PARCIL Project and the requirements of the Freedom of Information Act.



Charles Forsyth
CAPIC Vice-Chairman

MH:CS
0330P

FOR ACTION

21.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 JUNE 16
COMM FILE:
DEPT FILES: SA-89-05
25CDM-89009

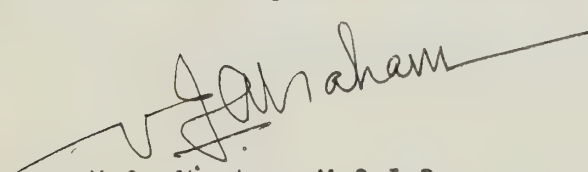
SUBJECT

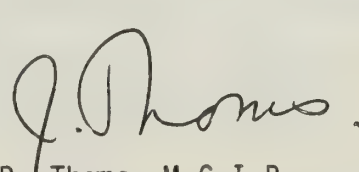
Proposed Draft Plan of Condominium "Jilly Industrial Place"

RECOMMENDATION

That approval be given to application SA-89-05, "Jilly Industrial Place", Toscani Developments Ltd., owner, to establish a draft plan of condominium located at the north side of Hempstead Drive, west of Nebo Road, subject to the following conditions:

1. That this approval apply to the plan prepared by A. T. McLaren Ltd., dated March 6, 1989.
2. That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Dept.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Toscani Developments Ltd., Hamilton, Ontario

Surveyor

A. T. McLaren Ltd., Hamilton, Ontario

Location

The lands, comprising 0.725 ha, being Lot No. 2 of Registered Plan 62M-489, are located at the north side of Hempstead Drive west of Greenock Road in the Rymal Neighbourhood, City of Hamilton.

PROPOSAL

The owner is in the process of constructing 16 units for industrial purposes within one building.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial-Business Park" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M-14" (Prestige Industrial) District to permit the proposed use. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

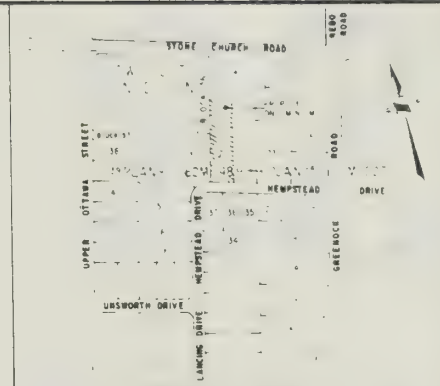
The following agencies have advised that they have no comment or objection toward the development:

Ministry of Culture and Communications;
Ministry of the Environment;
Ministry of Transportation;
Hamilton Region Conservation Authority;
City Traffic Department;
City Building Department;
Union Gas, Bell Canada, Ontario Hydro;
Hamilton-Wentworth Department of Engineering.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The lands of the proposed draft plan is Lot 2 of Registered Plan M-489 as approved by Regional Council.
4. The owner received approval of a Site Plan under DA-88-68 which was approved on August 31, 1988. The draft plan of condominium conforms with the approved plan of DA-88-68.

JLS/jd



KEY PLAN SCALE 1 5000 m

DRAFT PLAN OF
Jilly Industrial Place
BEING A PROPOSED CONDOMINIUM PROJECT OF

BEING A PROPOSED CONDOMINIUM PROJECT OF
LOT 2, PLAN 62M-489
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

A.T. McLAREN, O.L.S. - 1989

NOTE THIS IS A DRAFT PLAN ONLY AND IS
SUBJECT TO REVISION AND AMENDMENT

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS
SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE
ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

Nov 22 1967
DAYE

A. T. McLaren
A T McLAREN DISTRICT SURVEYOR

OWNER'S AUTHORIZATION

WE, THE REGISTERED OWNERS OF THE SUBJECT LANDS
HEREBY AUTHORIZE A T McLAREN LIMITED TO PREPARE
AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
FOR THEIR APPROVAL

TOSCANI DEVELOPMENTS LIMITED

MC 6 1989
2411

~~SECRET~~ PART TWO
RECEIVED DRIVE HAMILTON ONT

RE. CHAPTER 349 R.S.O.1980, SECTION 36(2)-THE PLANNING ACT

- | | | | |
|---|---------------|---|---------------------------------|
| A | SHOWN ON PLAN | G | SHOWN ON PLAN |
| C | SHOWN ON PLAN | H | MUNICIPAL PIPED WATER AVAILABLE |
| S | SHOWN ON PLAN | I | CLAY LOAM |
| D | SEE SCHEDULE | J | SHOWN ON PLAN |
| F | SHOWN ON PLAN | K | MUNICIPAL SERVICES EXISTING |
| | | L | SHOWN ON PLAN |

SCHEDULE

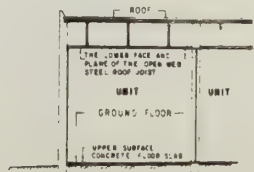
TOTAL AREA OF SITE 725403m² 720431 Sq Ft
TOTAL NUMBER OF UNITS 16 UNITS
TOTAL NUMBER PARKING SPACES 78 SURFACE PARKING SPACE 127OC 460000
TOTAL NUMBER OF LOADING SPACES 2 249494750
BUILDING UNDER CONSTRUCTION OCTOBER 1988
MAXIMUM BUILDING HEIGHT 76.4 m (251 feet)

BENCH MARK NO. 23-02

HOUSE NO 1250 STONE CHURCH ROAD EAST
PLAQUE ON NORTHERLY FACE OF BUILDING 0.5 m EAST
OF NORTH-WEST CORNER 0.3 m ABOVE THE GROUND
ELEVATION 195 347 m (640 903 ft)

A.T. McLAREN LIMITED
ONTARIO LAND SURVEYORS
2000-1000-1000-1000
927-888-927-888

Drawn	10	Checked	170 1 400 m	Orig No 24766
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UNIT TYPICAL SECTION
NOT TO SCALE

FOR ACTION

22.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

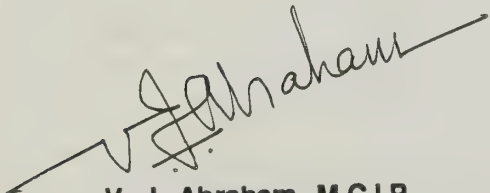
DATE: 1989 JULY 06
COMM FILE:
DEPT. FILE: P5-2-5

SUBJECT:

Albion Falls Neighbourhood Plan Amendment - Authorization for Public Meeting.

RECOMMENDATION:

That the Planning and Development Committee direct staff to hold a public meeting, in conjunction with a public meeting of the Red Hill Creek Master Plan, to discuss an amendment of the Albion Falls Neighbourhood Plan, dealing with the extension of Kingsview Drive across the proposed Mountain Freeway as a roadway and/or pedestrian bridge.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

The Approved Plan for the Albion Falls Neighbourhood was adopted by City Council on January 12, 1982. This was an update of an earlier version of the plan. The Plan includes a roadway connection across the North-South Parkway section of the proposed Mountain Freeway, approximately 600 feet north of the present alignment of Mud Street (see attached map). This would help carry through traffic between the eastern Hamilton mountain and the land east of the Mountain Freeway, including the Heritage Green area in Stoney Creek, when Mud Street is closed in this vicinity.

ANALYSIS:

Comments received from local residents on Kingsview Drive indicate that they would prefer to see this future extension not built, but rather would like to see the street remain closed at its western end.

Discussions among staff of the Freeway Project Office and the Planning and Development Department determined that the roadway extension is a local planning matter to be resolved between Hamilton and Stoney Creek, since the roadway would provide for local accessibility and carry a minimal amount of traffic. The extension is not considered to be within the scope of the work of the Mountain Freeway Corridor project, since it is not needed to maintain the arterial road system.

The Freeway Project Office feel that it is preferable not to extend the roadway, since:

- the estimated traffic volumes would be very low; and,
- the total construction cost would be \$3.0 m.

The benefit of the road would be to link the area to meet with the Albion Falls area and prevent a long cul-de-sac along Pritchard Road.

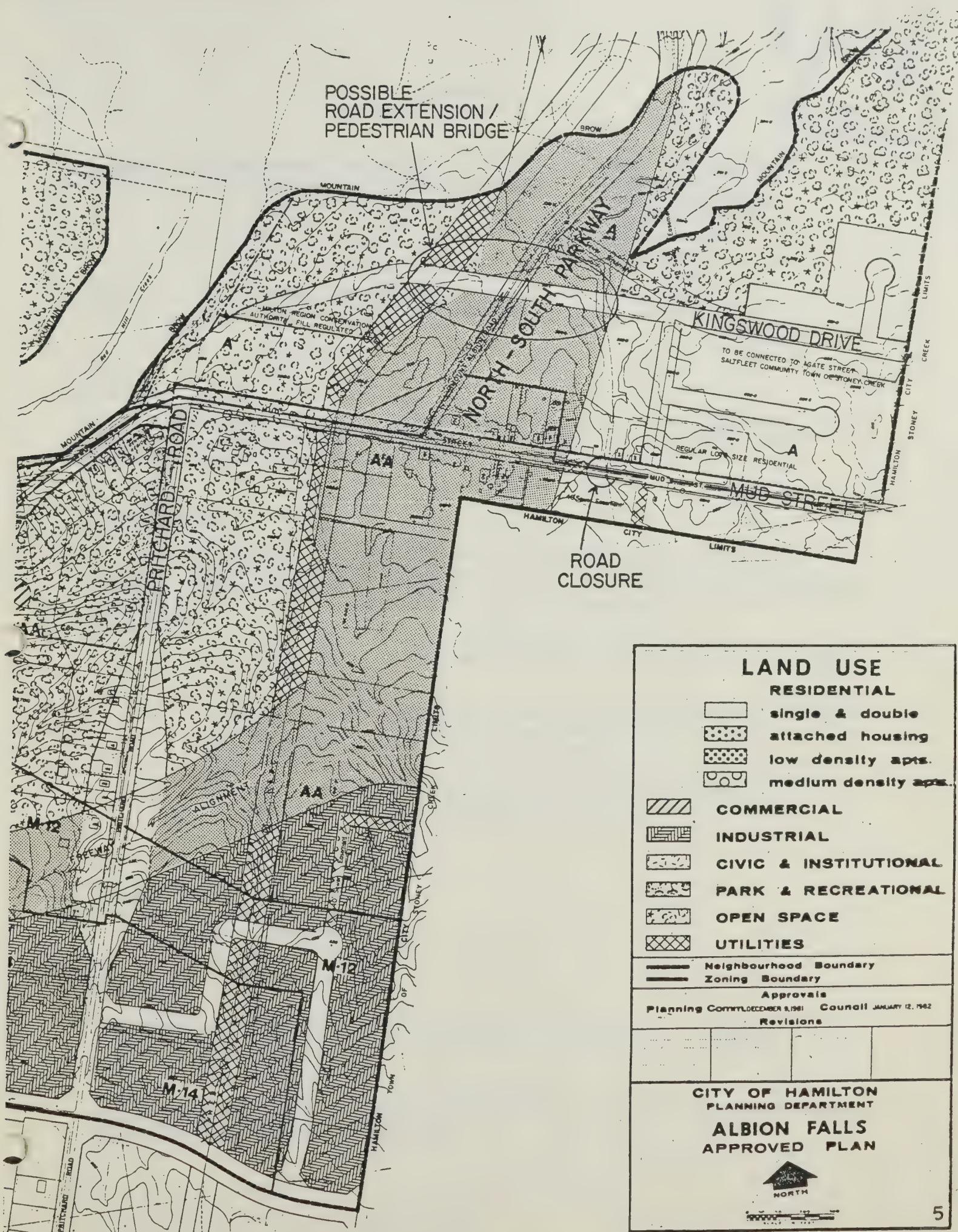
The Freeway construction does not preclude the construction of this roadway in the future, if Hamilton and Stoney Creek decide to proceed with it.

There is a possibility that a pedestrian bridge could be built in this vicinity, to provide for pedestrian movement along the Bruce Trail and along the edge of the Escarpment. The Red Hill Creek Recreation Master Plan addresses the roadway and pedestrian links in the vicinity of the Mountain Freeway. Several pedestrian links are proposed further to the west at Pritchard Road and Arbour Road.

The need for another bridge at Kingsview Drive should be evaluated within the context of the overall Recreation Master Plan. The need for other neighbourhood plan amendments should also be reviewed at this time to reflect the other freeway crossings.

CONCLUSION:

A public meeting should be held to enable local residents an opportunity to comment on the possible deletion of this roadway from the Approved Plan, as a requirement of the neighbourhood plan amendment process. The need for a pedestrian bridge will also be discussed, in view of the other pedestrian links proposed in the vicinity.



LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals
 Planning Comm. DECEMBER 8, 1981 Council JANUARY 12, 1982
 Revisions

CITY OF HAMILTON
 PLANNING DEPARTMENT
ALBION FALLS
 APPROVED PLAN



FOR ACTION

23.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1989 July /
COMM FILE:
DEPT FILE: DA-89-69
Thorner
Neighbourhood
(DA-89-24)

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT


SUBJECT:

Plans have been submitted to amend the approved plans of Site Plan Control Application DA-89-24 to include a fourth floor for a medical office complex to be located at 849 Upper Wentworth Street.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-89-69 by Upper Wentworth Medical Centre Holdings Ltd., owner of the lands at 849 Upper Wentworth Street, to amend the approved plans of Site Plan Control Application DA-89-24 to include a fourth floor for medical office complex, subject to the following:

- a) modification to the plan related dimensions and notes as marked in red on the plans;
- b) approval by the Committee of Adjustment for the variance to delete the required one loading space and reduce the length of one loading space from 18.0 m to 9.0 m; and,
- c) provision that the shortfall in the required parking from 191 to 164 spaces be finalized through the Cash-in-Lieu policy.


FOR Victor J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Plans have been submitted for phase two for development of a medical office complex with pharmacy, x-ray and laboratory facilities to be located at 849 Upper Wentworth Street.

The plans have been modified to include a fourth floor level and to delete the required two 3.7 m XX 1.8 m X 4.5 m loading spaces. A total of 164 parking spaces would be provided on the site.

COMMENTS RECEIVED

1. The Building Department has advised that:
191 parking spaces and two 18 m x 3.7 m x 4.3 m loading spaces are required for a four-storey structure.
2. The Traffic Department has indicated the following:
 - a) the entire right-of-way from Mall Road to Upper Wentworth Street should be shown on the plan;
 - b) the parking shortfall for a four-storey building which is supported by the Traffic Department will be addressed via cash-in-lieu or Committee of Adjustment.
 - c) one 9.0 m long loading space should be provided.
 - d) a Driveway Approach Approval must be requested by the applicant through the Traffic Department.
3. The Hamilton-Wentworth Engineering Department has advised the following:
 - a) curb stops should be placed adjacent to the Mall Road road allowance to prevent vehicles from overhanging into the road allowance;
 - b) fences should be set back a minimum of 3 m from the road allowance limit and the right-of-way limit.

COMMENTS

Modifications are required to the plans related to dimensions, notes and address sign, and are marked in red on the plan.

The submitted plans proposed the deletion of the required two 18.0 m long loading spaces. Discussion has taken place with the applicant who has agreed to provide one loading space, 9.0 m in length as marked in red on the plans. The variance to delete one loading space and reduce the size of the one loading space from 18.0 m to 9.0 m can be supported, since the medical office complex is considered to be a facility which can be sufficiently serviced by the one smaller loading space.

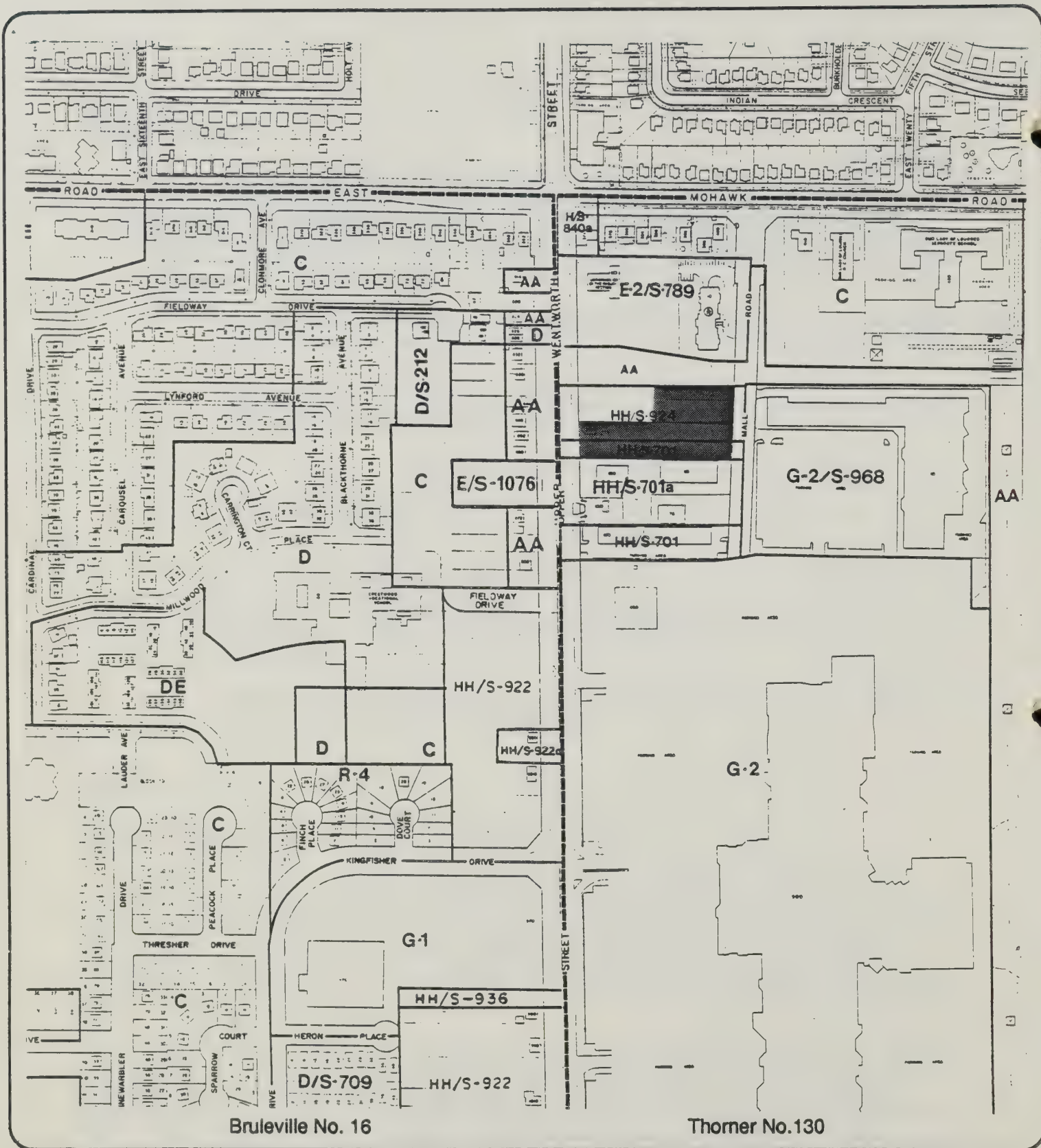
As a result of providing the loading space, a total of 161 parking spaces will be provided on the site. The applicant has been advised that the City of Hamilton has a Cash-in-Lieu of Parking Policy which would be considered appropriate to resolve the shortfall in the number of required parking from 191 to 161 spaces. The applicant proceeded with an application to the Committee of Adjustment for the variances to delete the loading spaces and to reduce the number of required parking from 191 to 164 spaces. At its meeting of July 5, 1989, the Committee of Adjustment tabled the application until the Site Plan Control Application DA-89-69 had been considered.

Since the Cash-Lieu of Parking Policy is established, the proposed variance to reduce the parking cannot be supported.

CONCLUSION

The proposed amendment to add the fourth floor of the development is satisfactory, subject to the variance to reduce the number and size of the loading space is approved by the Committee of Adjustment and subject to the shortfall in parking being resolved through the Cash-in-Lieu of Parking Policy.

JPS JPS/ma/cs
0365P



City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-89-24

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
March 1989

Reference File No.
DA-89-24

Drawn By
F.V.

FOR ACTION

24.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 June 22
COMM FILE:
DEPT. FILE: ZA-89-37
Barnstown
Neighbourhood

SUBJECT:

Request for a change in zoning - lands in the area north of Rymal Road East and east of Upper Wellington Street.

RECOMMENDATION

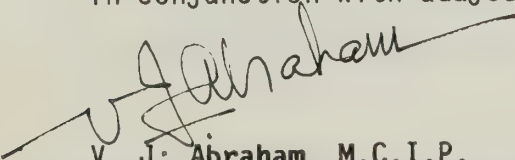
That approval be given to Zoning Application 89-37, 428680 Ontario Limited, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located in the area north of Rymal Road East and east of Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located in the area north of Rymal Road East and east of Upper Wellington Street, as shown on the attached key map.

The effect of the By-law is to permit the use of this triangular piece of land in conjunction with adjacent land, for single-family detached dwellings.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

The purpose of the change in zoning is to establish uniform zoning of the subject lands to permit construction of single-family detached dwellings. The lands were recently acquired from the City of Hamilton and the Hamilton Board of Education, and will form part of the draft approved plan of subdivision for Oakdale Estates Phase 4.

● ZA-87-80

On February 23, 1988 City Council passed By-law 88-65 which rezoned the adjoining lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

APPLICANT

428680 Ontario Limited, owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having an area of approximately 0.15 hectares (0.37 acres).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District
to the south	vacant	"C" (Urban Protected Residential, etc.) District
to the east	vacant	"AA" (Agricultural) District
to the west	vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential" the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Barnstown Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:
"...public watermains as well as sanitary and storm sewers will be available through appropriate Subdivision Agreement(s) with the City/Region.

There is no objection regarding transportation matters".

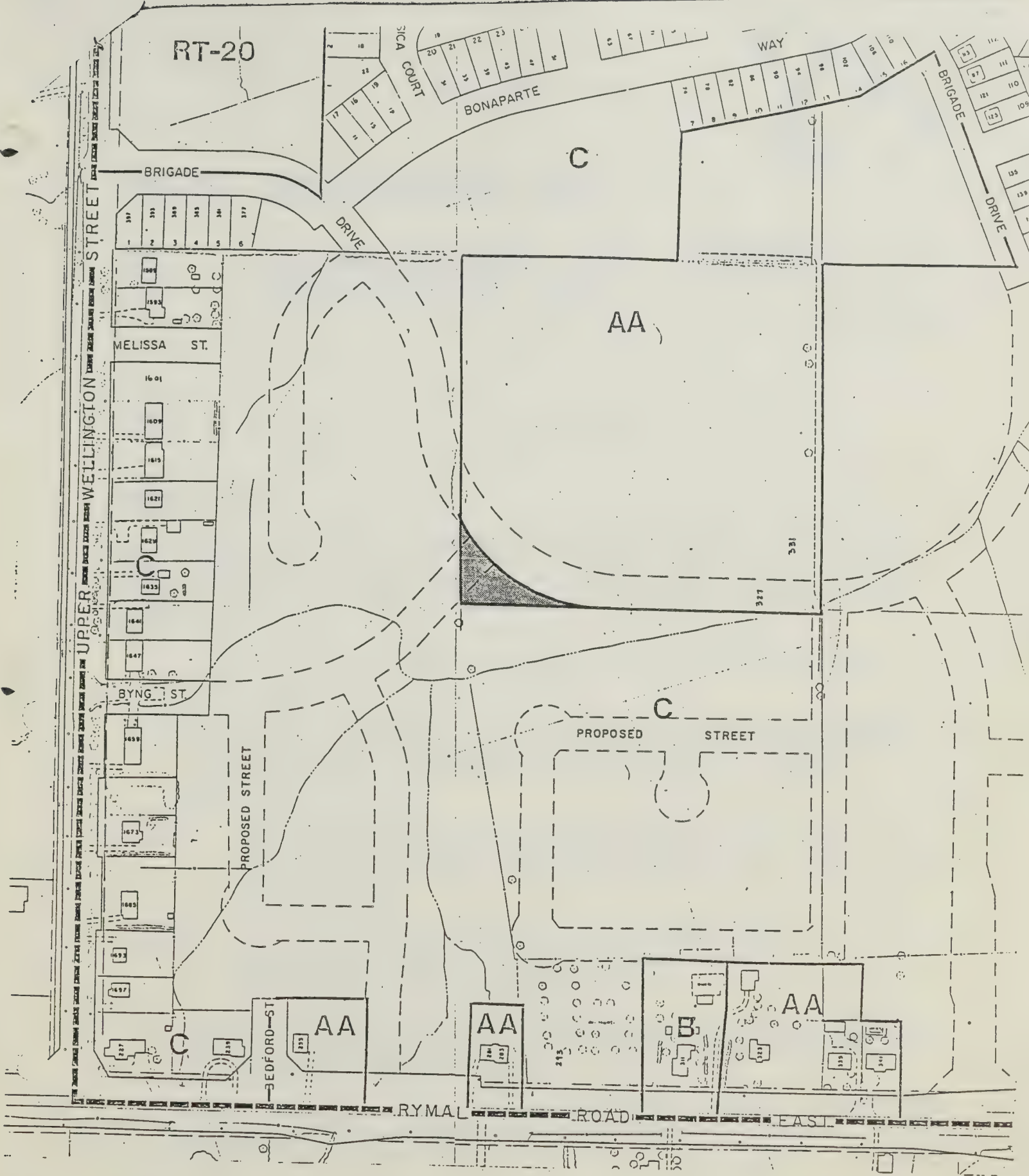
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal implements the intent of the approved Barnstown Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it is compatible with existing and future development contemplated in this area;
 - it implements the intent of both the Official Plan and the approved Barnstown Neighbourhood Plan;
 - it will establish uniform "C" (Urban Protected Residential, etc.) District zoning, and facilitate the completion of the draft plan of subdivision (Oakdale Estates Phase - 4).

CONCLUSION

On the basis of the foregoing, the application can be supported.

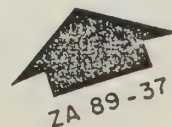
GAW/ma
WP0217P



LEGEND



SITE OF THE APPLICATION



FOR ACTION

25.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 July 5
COMM FILE:
DEPT. FILE: ZA-89-27
Bruleville
Neighbourhood

SUBJECT:

Request for a change in zoning - No. 266 Limeridge Road East.

RECOMMENDATION

That approval be given to Zoning Application 89-27, Agommen Ltd., In Trust, prospective owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, for property located at No. 266 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- ii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 1. That notwithstanding the provisions of Section 10C(3)(ii)(b) of Zoning By-law No. 6593, a side yard having a width of not less than 4.41 m from the easterly and westerly lot lines shall be provided and maintained.
 2. That notwithstanding the provisions of Section 18A(1)(c), one loading space (9.0 m x 3.7 m x 4.3 m) shall be provided and maintained for the two multiple dwellings.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-18A and E-18B be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18A and E-18B for presentation to City Council;

- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- vi) That the Bruleville Neighbourhood Plan be amended by redesignating the subject lands to "LOW DENSITY APARTMENTS".

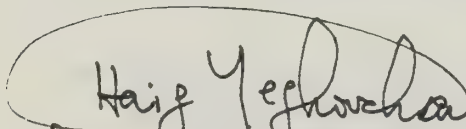
EXPLANATORY NOTE


The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District for property located at No. 266 Limeridge Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit development of the subject lands for two 3-storey, six unit multiple dwellings.

In addition, the By-law provides for the following variances and special requirements:

- to permit a minimum side yard width of 4.41 m, from the easterly and westerly lot lines, whereas 4.50 m is required;
- to provide one loading space (9.0 m x 3.7 m 4.3 m) for the two multiple dwellings, whereas 2 loading spaces are required.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to construct two, three storey multiple dwellings each containing six (6) units on the subject lands. The proposal incorporates off-street parking for 19 cars and one loading space on the surface of the lot, (see APPENDIX "B" attached).

APPLICANT

Agommen Ltd., in trust, prospective owner.

LOT SIZE AND AREA

- 22.55 m (74.0 ft.) of lot frontage on Limeridge Road East;
- 77.42 m (254.0 ft.) of lot depth; and,
- 1,746.15 m² (18,796 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	vacant	"RT-20" (Townhouse and Maisonette) District
to the east	single-family dwellings	"AA" (Agricultural) District
to the west	townhouses	"RT-20" (Townhouse and Maisonette) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" Land Use Concept Plan of the Official Plan and subject to, amongst others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

In addition to the above, since the subject lands are located adjacent to the proposed East-West/North-South Transportation Facility, the following policies must also be considered:

- "C.7.8 Council may require appropriate measures to moderate the effect of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to Arterials or Inter-Regional Highways and Railway lines.

- C.7.9 Council will endeavour to minimize impacts on outdoor recreational space of new development from noise in excess of 55 decibels (dBA) generated by adjacent existing or proposed Arterials, Inter-Regional Highways or Railway lines.
- C.7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. Residential development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be at or below 55 dBA."

Based on the Noise Impact Assessment prepared by Valcoustics Canada Ltd. in 1980, the noise level are expected to be between 59 and 63 dBA. Consequently, the proposal would appear to require noise attenuation measures.

Subject to a Neighbourhood Plan redesignation and provided that the requirements of the noise attenuation policies of Subsection C.7 are met, the proposal would comply with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "ATTACHED HOUSING" development on the approved Bruleville Neighbourhood Plan. Approval of the application would require an amendment to redesignate the lands to "LOW DENSITY APARTMENTS".

COMMENTS RECEIVED

- The Building Department has advised that:

- "1. No residential building can be constructed within 75 feet of the freeway. The rear building will be 70 feet or less, therefore, it must be relocated.
2. Buildings shall comply with and provide evidence that the construction will reduce noise to an L10 standard as per Table 7 of D.O.H. report RR168, given an assumed source of noise of 85 dBA.
3. The required front yard is 12.0 m (39.37') and no parking is permitted in this area. Six cars are shown.
4. The east side yard setback on Building A is incorrect. The other side yard setbacks will be established at a later date.
5. Two loading spaces are required. Only one is shown.
6. The loading areas and parking areas require both a 1.5 m (4.92') wide landscape strip and a 1.2 - 2.0 m (6.5") high visual barrier fence between them and the residential zones on the east and west sides.
7. The buildings shall comply with Section 18(8) "Groups of multiple dwellings".

This is a preliminary examination only and possibly other variances will be required. These will be established when full detailed plans are forwarded for Development Agreement approval".

- The Traffic Department has advised that:

"We recommend that the plan be modified to provide a minimum driveway width of 6.0 metres.

We recommend that the plan be modified to provide a loading space 3.7 metres by 9.0 metres in accordance with By-law requirements and adequate manoeuvring area for single unit trucks to access the required loading area".

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermain as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Limeridge Road is 26.21 m (86 feet). The City previously acquired the required road allowance widening on Limeridge Road and incorporated the widening into the road allowance as the third item in By-law No. 81-333.

Any work within the Limeridge Road allowance, as widened, must conform to the City of Hamilton Street By-law.

Comments from the Traffic Department on access should be obtained at such a time as detailed site plans are submitted for our review and approval. According to Roadway Plan 82-H-12, there are no vertical crest curves on the section of Limeridge Road which would seriously affect motorist visibility.

According to the approved Bruleville Plan, the subject lands are designated for attached housing.

The subject lands are part of a strip of 5 properties on Limeridge Road and the properties to the east and west are being developed through Site Plan Control Application DA-88-34. It is our recommendation that the Planning Department encourage consolidated development of these properties".

- The Freeway Project Office and The Hamilton Region Conservation Authority have no comments or objections.

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal would require an amendment to the approved Bruleville Neighbourhood Plan to redesignate the subject lands from "ATTACHED Housing" to "LOW DENSITY APARTMENTS".

3. The proposal has merit and can be supported for the following reasons:

- it implements the intent of the Official Plan which designates the lands for "RESIDENTIAL" use;
- it would be compatible with existing and future intended uses in the surrounding area. In this regard, the subject lands are located next to a 55 unit townhouse development being completed on lands to the west; adjoining lands to the east are intended to be developed with townhouses under a recently filed Zoning Application (2A-89-34);
- the proposed "DE-3" District would be consistent with existing and future zoning contemplated along the south side of Limeridge Road East between Upper Wellington Street and Upper Wentworth Street.

4. On the basis of a preliminary site plan submitted with the application, the Building Department has advised that approval of the proposal would require the following variances:

- Front Yard

A minimum front yard of 12.0 m is required and no parking is permitted in this area. Six parking spaces are proposed. The variance cannot be supported as the six parking spaces could be re-arranged to comply with the By-law.

- Side Yards

Building 'A'

A minimum easterly side yard of 4.50 m is required whereas the proposed side yard is 3.048 m. The requested variance is not considered minor in nature and cannot be supported. However, a variance of 0.09 m, as proposed, for Building "B" (see below) can be supported.

Building 'B'

Side yards of 4.41 m are proposed for Building "B", whereas minimum side yards of 4.50 m are required. The variance is considered minor in nature and can be supported.

- Maximum Building Height

The maximum permitted building height is 11.0 m whereas the proposed building height is 12.19 m. The requested variance is not considered minor in nature and cannot be supported.

- Loading Space

One loading space 3.7 m x 9.0 m x 4.3 m is required for each building whereas only one loading space is proposed. The Traffic Department has verbally advised that one loading space is acceptable if a satisfactory parking layout can be arranged at the site plan approval stage of development.

- Landscape Strip and Visual Barrier

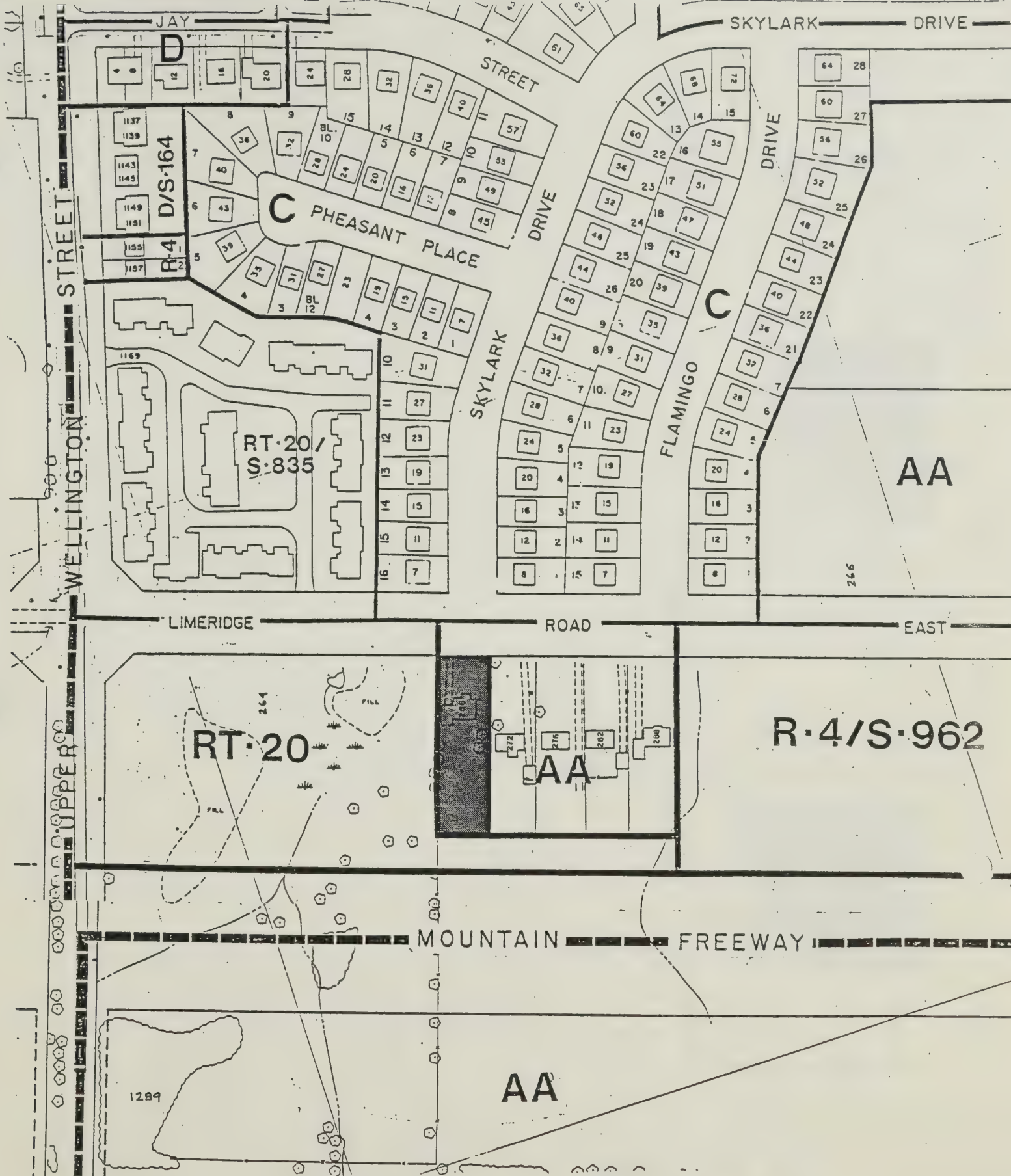
The loading areas and parking areas both require a minimum 1.5 m wide landscape strip and a 1.2 m high to 2.0 m high visual barrier, where they adjoin a residential district. The preliminary plan does not provide for the required landscape strips or visual barriers at the specified locations. The requested variance cannot be supported.

5. The subject property is under Site Plan Control By-law 79-275. In this regard, matters related to landscaping, grading, parking, fencing, and access will be detailed at the Site Plan Control stage of development.
6. The applicant should be advised that Council Policy requires residential buildings to be setback at least 22.86 m (75 ft.) from the limit of the proposed East-West Freeway. Accordingly, a rear yard depth greater than the by-law requirement may have to be provided under Site Plan Approval.

CONCLUSION

On the basis of the foregoing, the application can be supported.

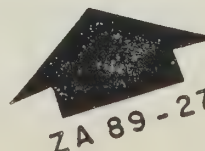
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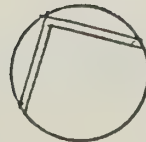
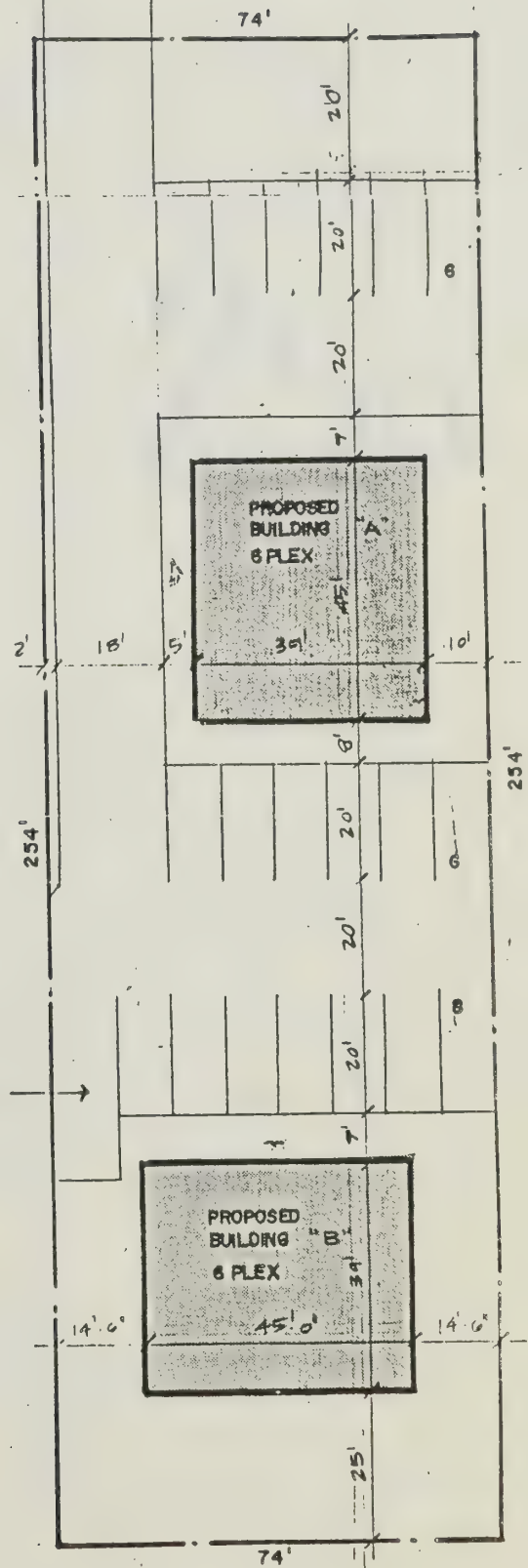
LEGEND



SITE OF THE APPLICATION



LOADING SPACE
10' x 30'



SITE PLAN

SCALE 1" = 20'

APPENDIX B

ZA 89-27

32 Skylark Avenue,
Hamilton, Ont. L9A 4J2
June 30, 1989

Corporation of the City of Hamilton
Planning and Development Dept.
City Hall
Hamilton, Ont. L8N 3T4

25a.

Dear Sir:

I am very much opposed to the construction of multiple dwellings in this area. First, you have already allowed the building of one hundred and ten units in total on either side of this area. To permit the ^{further} building of twelve units on one part and twenty-six more on the attached part is absolutely saturating a small area of land.

Just across Limeridge Road (dunthorn) is our residential street on which we pay high taxes. This street will be overrun with traffic and people using it for parking.

Second, you have permitted the building of too many multiple dwelling units in a concentrated area; consider that there are a very large number

of units the next street over on the East corner of Limeridge and Upper Wellington; also hundreds of units on the West side of Upper Wellington. Two sides of our street are surrounded and loaded with townhouses.

I realize the need for town housing. My complaint is not with the building of town houses, but, rather with the impact of crowding too many into one spot which results in difficulties for those who have finally been able to build a home and for which we are paying sky-high taxes.

Sincerely,

Mrs Ann MacLean

FOR ACTION

26.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 July 4
COMM FILE:
DEPT. FILE: ZA-89-34
Bruleville Neighbourhood

SUBJECT:

Request for a change in zoning - Nos. 272-288 Limeridge Road East.

RECOMMENDATION

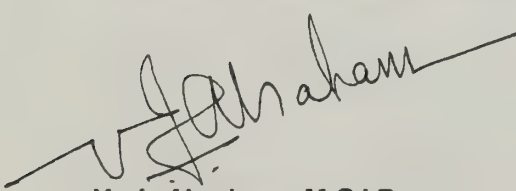
That approval be given to Zoning Application 89-34, Mahabir Homes Limited, prospective owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, for property located at Nos. 272-288 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18A and E-18B for presentation to City Council; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for properties located at Nos. 272-288 Limeridge Road East, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the development of the subject lands for townhouses.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The purpose of the proposed change in zoning is to permit a townhouse development of five (5) buildings, containing a total of twenty six (26) dwelling units (see APPENDIX "B" attached).

APPLICANT

Mahabir Homes Limited, prospective owner.

LOT SIZE AND AREA

- 78.029 m (256.0 ft.) of lot frontage on Limeridge Road East;
- 77.41 m (253.99 ft.) of lot depth; and,
- 6,040.49 m² (65,021.44 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwellings	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Vacant	"RT-20" (Townhouse-Maisonette) District
to the east	Townhouses	"R-4" (Small Lot Single-Family Detached) District, modified.
to the west	Single-family dwelling	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

In addition to the above, since the subject lands are located adjacent to the proposed East-West/North-South Transportation Facility, the following policies must also be considered:

"C.7.8 Council may require appropriate measures to moderate the effect of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to Arterials or Inter-Regional Highways and Railway lines.

C.7.9 Council will endeavour to minimize impacts on outdoor recreational space of new development from noise in excess of 55 decibels (dBA) generated by adjacent existing or proposed Arterials, Inter-Regional Highways or Railway lines.

C.7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. Residential development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be at or below 55 dBA."

Based on the Noise Impact Assessment prepared by Valcoustics Canada Ltd. in 1980, the noise level are expected to be between 59 and 63 dBA. Consequently, the proposal would appear to require noise attenuation measures.

Provided that the requirements of the noise attenuation policies of Subsection C.7 are met, the proposal would comply with the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Attached Housing" development on the approved Bruleville Neighbourhood, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

- "1. Building C must be 6.0 m off the side (east) lot line.
2. No windows are permitted in the side walls of any of the end units.
3. The distance between Buildings A and B must be 9.0 m.
4. The required front yard is to be clear and unobstructed. The play area with equipment is shown in the required front yard."

- The Traffic Department, Freeway Project Office, Hamilton Region Conservation Authority have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"... public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Limeridge Road is 26.21 m (86 feet). The City previously acquired the required road allowance widening on Limeridge Road and incorporated the widening into the road allowance as the third item in By-law No. 81-333. Therefore, no further road allowance widenings are required at this time.

Any work within the Limeridge Road allowance, as widened, must conform to the City of Hamilton Streets By-law.

According to Roadway Plan 82-H-12, there are not vertical crest curves on the section of Limeridge Road which would seriously affect motorist visibility.

According to the approved Bruleville Plan, the subject lands are designated for attached housing.

The subject lands are part of a strip of 5 properties on Limeridge Road East. It is our recommendation that the Planning Department encourage consolidated development of these properties.

Since the subject lands are in the vicinity of the East-West/North-South Freeway, we recommend that his rezoning application be circulated to the Freeway Project Office at 25 Main Street West for their comments on possible noise attenuation etc."

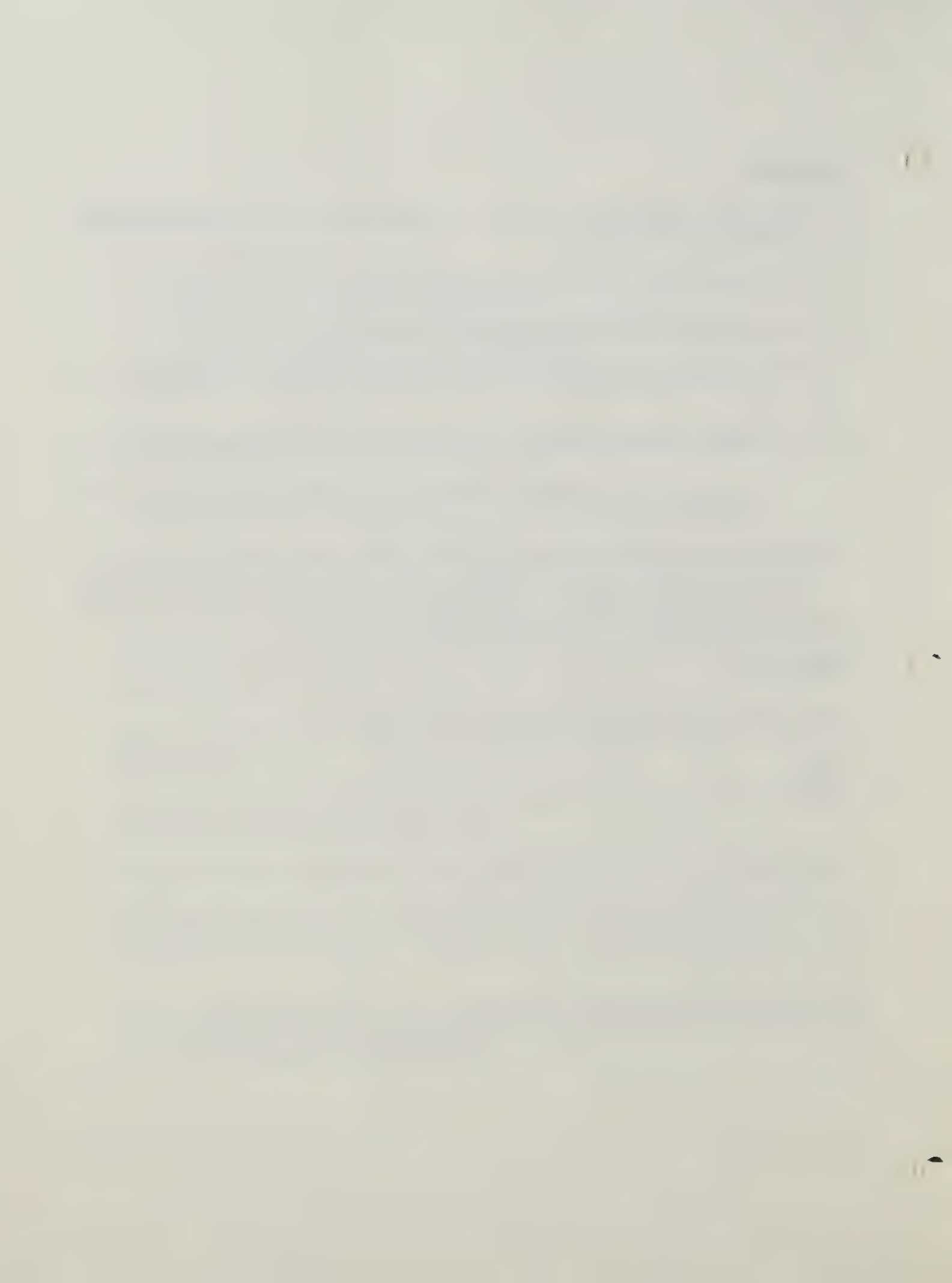
COMMENTS

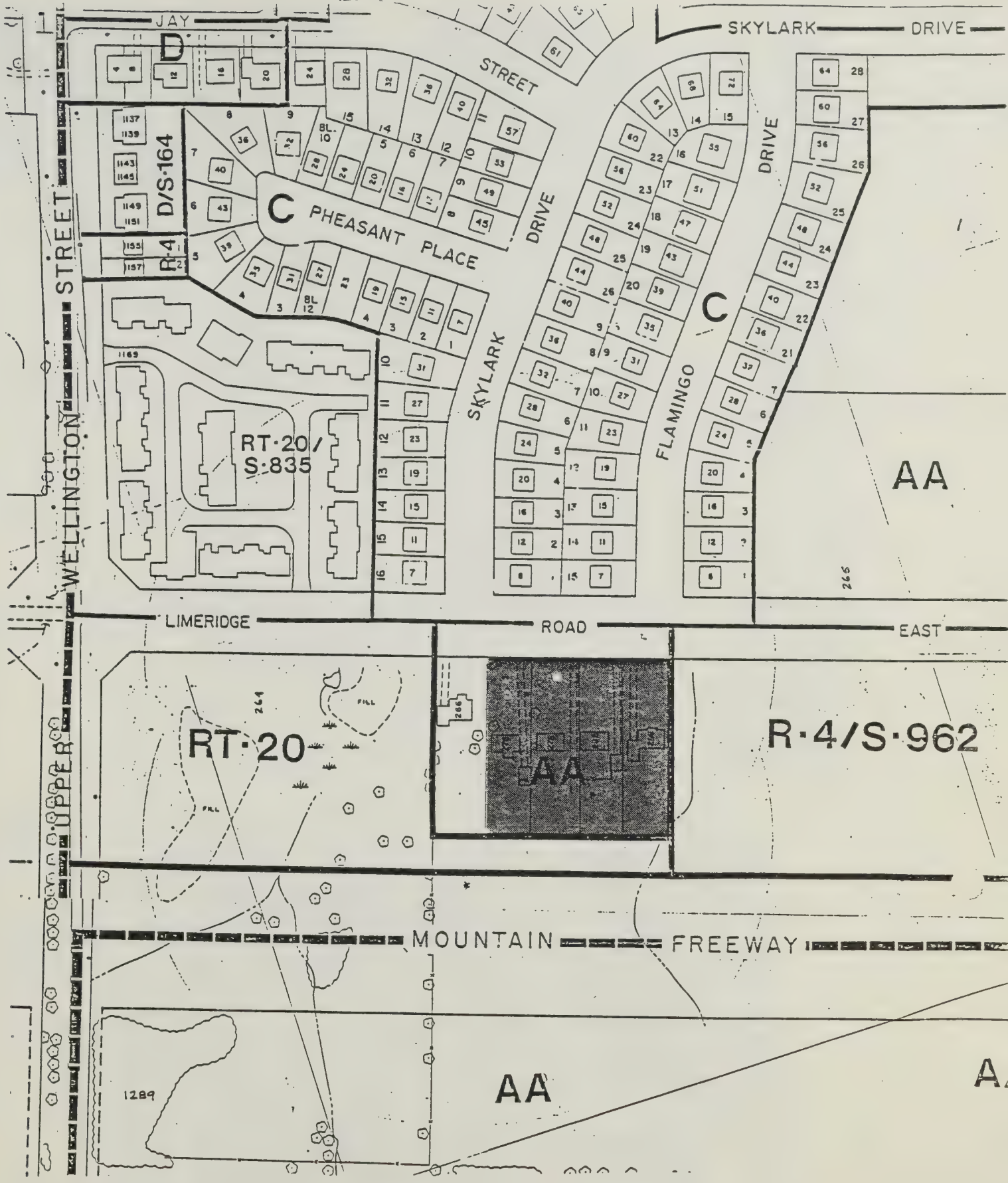
1. The proposal complies with the intent of the Official Plan provided that the required noise attenuation measures are met.
2. The proposal complies with the intent of the approved Bruleville Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - o it implements the intent of both the Official Plan and the approved Bruleville Neighbourhood Plan;
 - o it would be compatible with the existing and proposed uses on the adjoining properties; and,
 - o the requested "RT-20" (Townhouse-Maisonette) District would be an appropriate zoning for the subject lands.
4. Given the proximity of the subject lands to the Mountain Freeway, the applicant should be aware that Council Policy requires that all buildings must be setback at least 22.86 m (75 ft.) from the limit of the proposed Freeway. In this regard, a rear yard depth greater than the By-law requirements will have to be provided under Site Plan Approval.

CONCLUSION

On the basis of the foregoing, the application can be supported.

HY/ma
ZA8934

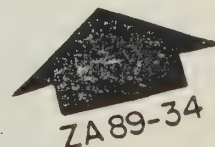




LEGEND

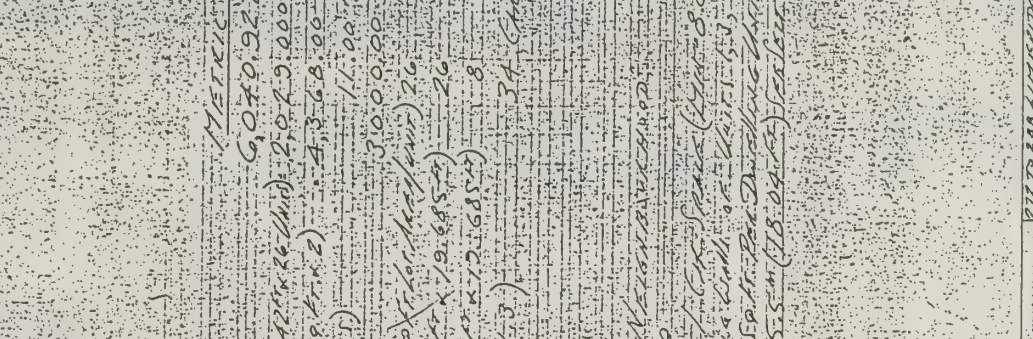


SITE OF THE APPLICATION



du

100

[illegible]

Genus	Species	Locality	Altitude	Collector	Date

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FOR ACTION

27.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 June 27
COMM FILE:
DEPT. FILE: ZA-89-14
Crerar
Neighbourhood

SUBJECT:

Request for a change in zoning - No. 1158 Upper Wentworth Street.

RECOMMENDATION

That Zoning Application 89-14, Mr. G.T. Dilar, owner, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District, for property located at No. 1158 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A" be DENIED for the following reasons:

- i) it conflicts with the intent of the approved Crerar Neighbourhood Plan which designates the subject lands for "Single and Double" residential development;
- ii) it would be incompatible and out of character with existing and proposed development in the surrounding area comprised of single-family dwellings, small lot single-family dwellings and townhouse dwellings to the south and west;
- iii) it would interfere with the orderly development of the neighbourhood, in that adjoining lands to the west form part of a draft approved plan of subdivision for small lot single-family dwellings having access off of Crerar Drive.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Current Proposal

It is the applicants intent to construct a six storey - 60 unit condominium apartment building on the site. Off-street parking is to be provided for 75 cars.

● Previous Proposal

On December 23, 1985 the applicant filed zoning application 85-109 requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District and "RT-10" (Townhouse) District to permit small lot single-family dwellings and townhouse dwellings on the subject lands. Development of the lands was contingent upon either a land assembly or an exchange of lands with the adjoining property owner to the west. Because the assembly or exchange failed to materialize, the applicant decided to withdraw the zoning application.

APPLICANT

Mr. G.T. Dilar, owner.

LOT SIZE AND AREA

- 69.79 m (228.97 ft.) of lot frontage on Upper Wentworth Street;
- an average lot depth of 77.24 m (253.41 ft.); and
- 5,406.4 m² (58,195.90 sq.ft.) of lot area.

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant lands, single-family dwellings	"AA" (Agricultural) District
to the south	single-family dwellings and townhouses	"R-4" (Small Lot Single-Family Detached) District and "RT-10" (Townhouse) District
to the east	vacant lands and single-family dwellings	"AA" (Agricultural) District

to the west

vacant

"AA" (Agricultural) District
and "K-4" (Small Lot
Single-Family Detached) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" Land Use Concept Plan of the Official Plan and subject, to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together".

In addition to the above, since the subject lands are located adjacent to the proposed East-West/North-South Transportation facility, the following policies, among others, must also be considered:

"C.7.8 Council may require appropriate measures to moderate the effect of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to Arterials or Inter-Regional Highways and Railway lines.

C.7.9 Council will endeavour to minimize impacts on outdoor recreational space of new development from noise in excess of 55 decibels (dBA) generated by adjacent existing or proposed Arterials, Inter-Regional Highways or Railway lines.

C.7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. Residential development will only be permitted where attenuation noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be at or below 55 dBA."

Based on the Noise Impact Assessment prepared by Valcoustics Canada Ltd. in 1980, the noise levels are expected to be between 53 and 63 dBA. Consequently, the proposal would appear to require noise attenuation measures.

Upon redesignation of the Crerar Neighbourhood Plan, and provided that the requirements of the noise attenuation policies of Subsection C.7 are met, the proposal would comply with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Crerar Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "Medium Density Apartments".

COMMENTS RECEIVED

- The Building Department, and Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains are available to service the subject lands. Storm and Sanitary Sewers will be available on Crerar Drive.

Any work within the Upper Wentworth Street road allowance, as widened, must conform to the Region's Road Use By-law.

It now appears that the applicant wishes to construct a multiple unit condominium six storeys in height on these lands. We have no objection to this proposal, subject to the following which can be dealt with at the Site Plan stage.

1. That access to the condominium project be located towards the southerly half of these lands to Upper Wentworth Street north alternate access to the subject lands via the neighbourhood street into the mid-block collector.
2. The internal access must be designed so as to discourage through traffic through the site from the internal street to Upper Wentworth.
3. Lands, as shown on the attached plan being a portion of the internal cul-de-sac be dedicated to the City of Hamilton.
4. The applicant owner enter into appropriate agreements with the City and Region for recovering of service costs, roadway pavement wash etc.
5. The subject lands should be developed through site plan control.

It is imperative that this application be forwarded to the Freeway Project Office for their comments on access, berm easement or other noise attenuation, grades, setbacks and any other possible restriction or access at such time as the East-West Freeway is constructed etc."

- The Freeway Project Office has advised that:

"The subject property is located on the west side of Upper Wentworth Street, immediately south of the East-West Transportation Corridor lands. As can be seen on the attached plan the abutting property to the north is land required for a future interchange development. As a result, Freeway staff have two concerns:

1. as a result of property requirements for the eventual grade separation of Upper Wentworth, access to this site should only be permitted from a northerly extension of Crerar Drive; and

2. that a fifty foot (50') berm easement along the northerly boundary will be required for noise attenuation purposes providing that the proponent is aware of these constraints and is willing to accommodate them in site plan development, Freeway Staff have no objection to this proposal".

● The Traffic Department has advised that:

"Subject to comments by the Freeway Office we recommend that access to Upper Wentworth Street be located at the south end of the property so as to be as far away as possible from the future freeway off-ramp.

If it is the applicant's intention to develop this land as one large block, provision should be made to allow access to the internal mid-block collector street, namely Crerar Drive. However, the on-site circulation system should also be designed to inhibit the use of this site by neighbourhood traffic exiting or entering Upper Wentworth Street".

COMMENTS

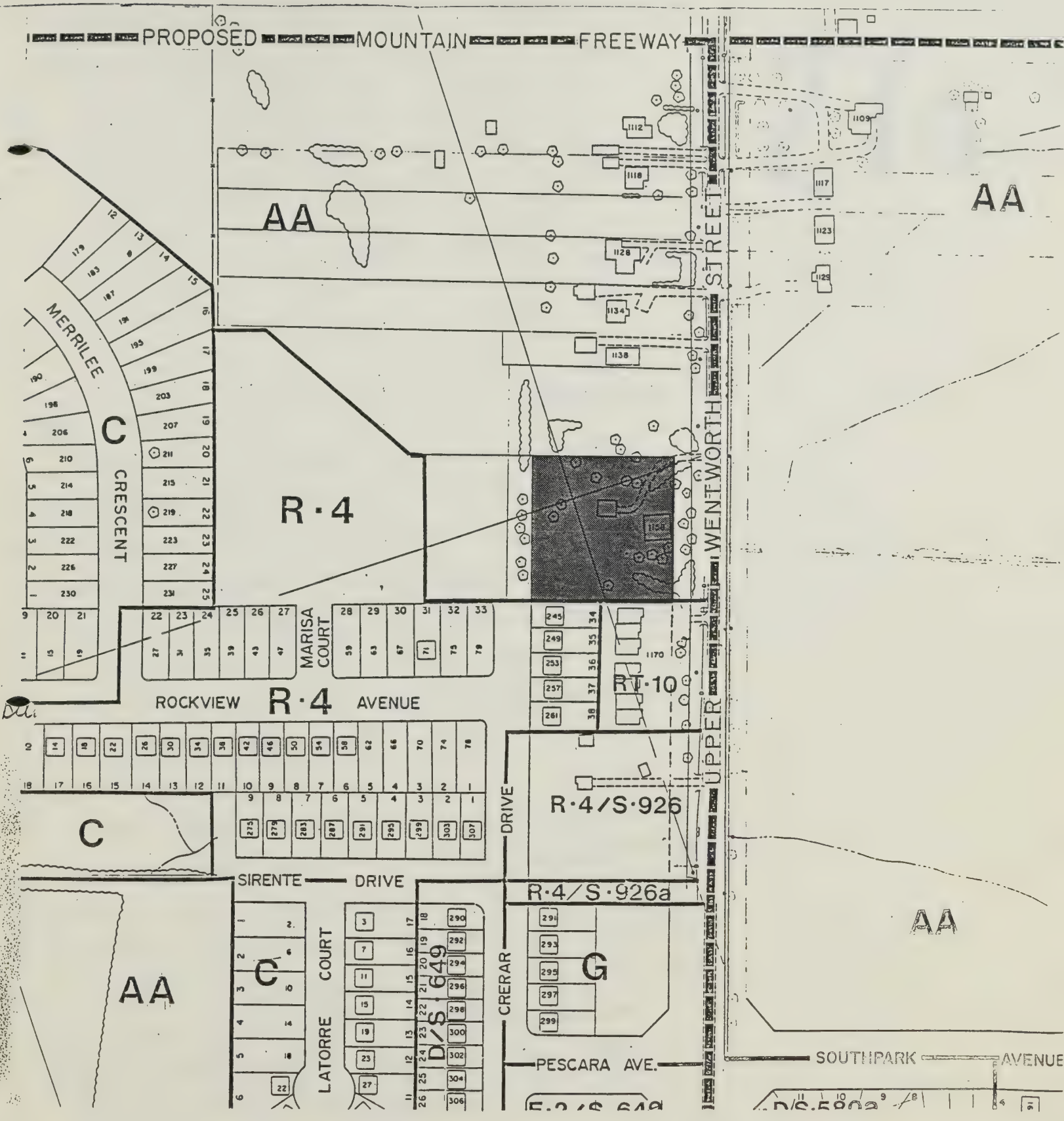
1. The proposal would comply with the intent of the Official Plan upon redesignation of the Crerar Neighbourhood Plan, and compliance with noise attenuation policies.
2. The proposal conflicts with the intent of the approved Crerar Neighbourhood Plan. Approval of the application would require a redesignation for "Single and Double" residential to "Medium Density Apartments".
3. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the approved Crerar Neighbourhood Plan which designates the subject lands for "Single and Double" residential development;
 - ii) a six storey building at this location would be incompatible and out of character with existing and proposed low rise development in the surrounding area comprised of single-family dwellings, small lot single-family dwellings and townhouses to the south and west;
 - iii) the proposed development could interfere with the orderly development of the neighbourhood, in that adjoining lands to the west of the site form part of a draft approval plan of subdivision, (25T-85037 - SA-85-26 draft approved July 3, 1986), which establishes part of the extension of Crerar Drive. Ideally, the subject lands should be developed in conjunction with the adjoining property.

CONCLUSION

On the basis of the foregoing, the application should be denied.

GAW/ma
WP0217P

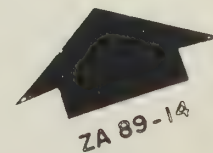
PROPOSED MOUNTAIN FREEWAY



LEGEND



SITE OF THE APPLICATION



27a

JUL 04 1989

Dear Sir or Madam,

We would like to register our opposition to the proposed zoning change from AA to E-2 of 1158 Upper Wentworth Street (File - ZAB9-14). We feel that this amendment should have been proposed prior to the development & sale of the single family homes in the area - when we purchased our home it was under the belief that this area would be single family residences - we certainly are not happy with the idea of a 6 storey building in our backyard!

As well, Upper Wentworth Street (as you are probably aware) is very well travelled & congested. The addition of $\frac{75}{2}$ parking spaces entering and exiting from one or even two alleyways is preposterous. We feel that living next door to this volume of traffic would expose us to constant honking & conings of cars with the subsequent noise and pollutants interfering with our enjoyment of our home.

There is also the question of safety with this volume of traffic - as the parents of a toddler, you can understand our concerns.

We hope that our concerns & opposition will have some bearing on your decision-making. Thank you.

Tony + Maureen Rizzo
345 Cedar Drive Hamilton

FOR ACTION

28.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 June 28
COMM FILE:
DEPT. FILE: ZA-89-30
Stipeley
Neighbourhood

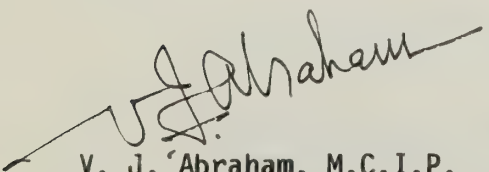
SUBJECT:

Request for a modification to the existing zoning - Nos. 64 Fairholt Road South and 85 Dunsmure Road (Fairholt Lodges).

RECOMMENDATION

That Zoning Application 89-30, 698775 Ontario Inc., Mr. A. Clarke, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit expansion of the existing residential care facility from 12 residents to 19 residents, without providing three additional parking spaces, for property located at Nos. 64 Fairholt Road South and 85 Dunsmure Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) One of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 19 residents, or three times that permitted in a "C" District would result in the creation of a "Mini-Institutional" use. Accordingly, the proposal is contrary to the intent and philosophy behind the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods.
- ii) Another Residential Care Facility is located within 74.67 m (245 feet) of the subject lands, contrary to the minimum radial separation distance requirement of 180.0 m (600 feet).
- iii) It represents an over-intensification of land use, in that adequate parking would not be provided.
- iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

● Current Proposal

It is proposed to increase the occupancy within the existing residential care facility from the permitted 12 residents to a new total of 19 residents.

● Committee of Adjustment

A-88:329

At its meeting held on February 2, 1989, the Committee of Adjustment considered minor variance application A-88:329 to permit an increase in the occupancy of the established residential care facility from a total of 12 residents' to a new total of 19 residents without providing three additional required parking spaces. The application was denied for the following reasons:

"As evidenced in the written comments of the Regional Planning and Development Department, the relief requested is beyond that of a minor nature and could set a precedent for other similar development.

That, after consideration of the application and from the evidence submitted, it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983."

A-85:85

At its meeting held on May 14, 1985, the Committee of Adjustment considered and approved Minor Variance Application A-85:85 to permit a reduction in the occupancy of the existing residential care facility at No. 64 Fairholt Avenue from six persons to five persons and to permit an increase in the occupancy of the existing residential care facility at No. 85 Dunsmure Road from six persons to seven persons, while maintaining the same total (12 persons) for the two adjoining facilities.

APPLICANT

698775 Ontario Inc., Mr. A. Clarke, owner.

LOT SIZE AND AREA

- 27.80 m (92.15 ft.) of lot frontage on Fairholt Road South;
- 31.75 m (104.25 ft.) of lot flankage on Dunsmure Road; and,
- 883.75 m² (9,512.8 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Residential Care Facility (two buildings) having a total occupancy of 12 residents	"C" (Urban Protected Residential, etc.) Districts
<u>Surrounding Lands</u>		
To the north, south and east	Single-family, two-family, and three-family dwellings	"C" (Urban Protected Residential, etc.) Districts
To the west	One- and Two-family dwellings	"C" (Urban Protected Residential, etc.) Districts

OFFICIAL PLAN

Designated "Residential", the proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Stipeley Neighbourhood Plan, the proposal complies with the intent of the Plan.

COMMENTS RECEIVED

- The Building Department has advised that:
 1. "A building permit was issued March, 1989, to erect a covered walkway to join the two existing buildings.
 2. The building known as 85 Dunsmure Road does not provide a minimum of 7.5 m rear yard setback from the centre of the alleyway.
 3. Committee of Adjustment in application A-85:85 permitted a residential care facility of five persons at 64 Fairholt Road South, and seven persons at 85 Dunsmure Road for a total of twelve persons.
 4. The proposed residential care facility for 19 persons shall require seven parking spaces.

5. A parking layout is required to be submitted to determine compliance to Section 18A of Zoning By-law No. 6593."

- The Traffic Department has advised that:

"It appears that with some alterations, there is an opportunity for additional on-site parking. If no additional parking is supplied on site, any increase in parking demand will add to the on-street parking demand in the immediate area."

- The Hamilton-Wentworth Social Services Department has advised that:

"This is not one of our subsidy contract homes, so we cannot make any comments about the current operation.

We are aware, however, that there is a concentration of second-level lodging homes in this area, as your records will indicate. Increasing the capacity of this home could create a density problem. Meanwhile, our records indicate a vacancy of 127 beds as of February, 1989, in our current contract homes throughout the Region."

- The Hamilton-Wentworth Engineering Department has advised that:

"Watermains, as well as storm and sanitary sewers, are available to service the subject lands from both Fairholt and Dunsmure Roads.

Any works which may occur within the Fairholt and Dunsmure Road allowances must conform to the City of Hamilton Streets By-law."

- The Hamilton Region Conservation Authority and The Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal would not conflict with the intent of the approved Stipeley Neighbourhood Plan.
3. The proposal to permit a further increase in the capacity of the established residential care facility from the permitted 12 residents to 19 residents cannot be supported for the following reasons:

- By-law No. 81-27 respecting the regulations for residential care facilities and short-term care facilities was passed by City Council on January 13, 1981. The effect of the By-law was to permit such facilities in a broad range of residential and commercial districts, with specific resident capacity limits and separation distances.

The subject lands are zoned "C" (Urban Protected Residential, etc.) District. As set out under the "C" District provisions, a residential care facility with a maximum capacity of six residents is permitted, provided that it is situated on a lot having a minimum radial separation distance of 180.0 m (600 ft.) to any other lot occupied, or as may be occupied, by a residential care facility. In this case, the

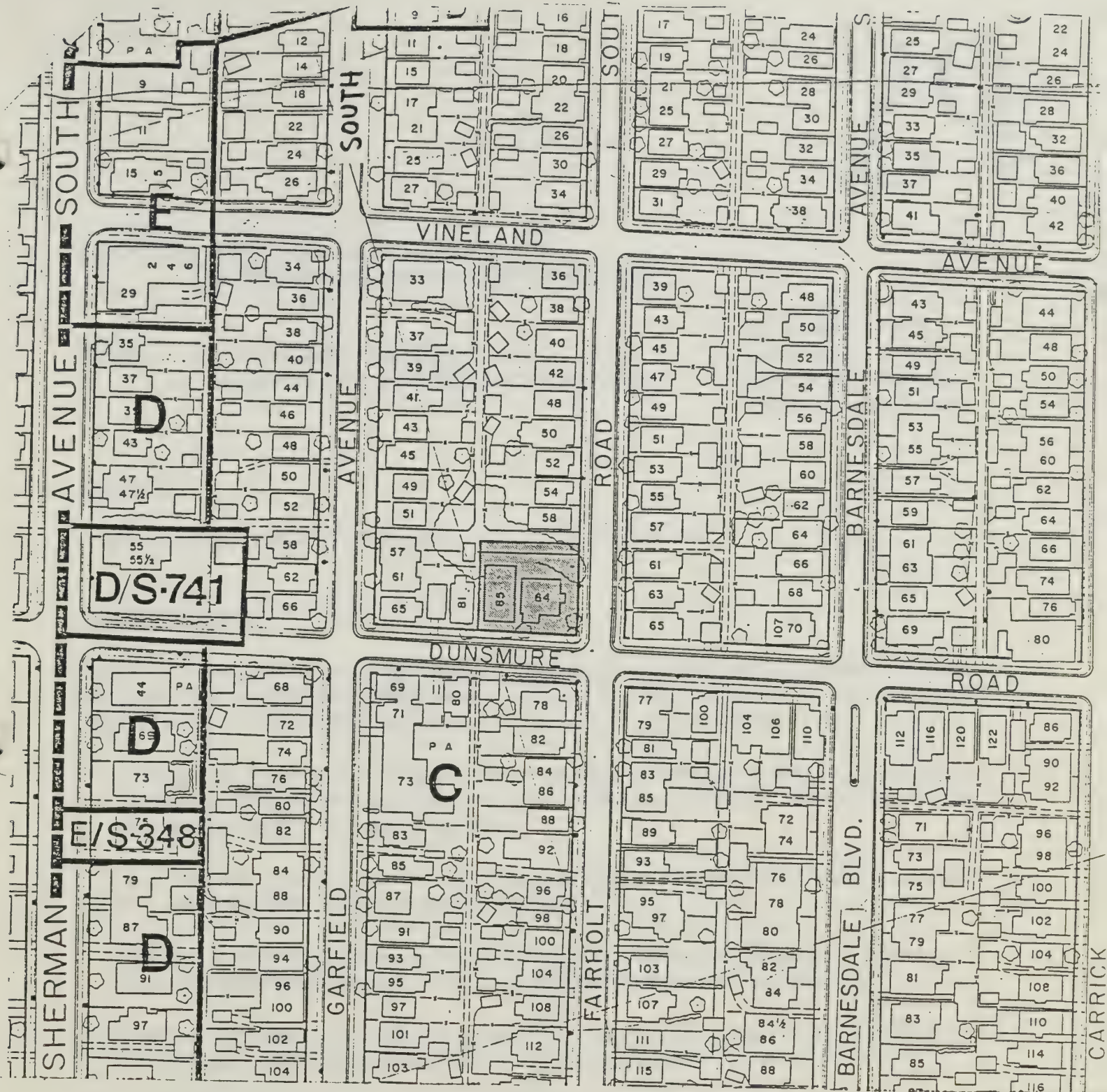
residential care facility is located within 74.67 m (245 ft.) of another established residential care facility (55 Sherman Avenue South).

- As noted in the background section of this report, previous Committee of Adjustment applications involving shifting of capacities and expansion of the residential care facilities at this location were considered. The latest Committee of Adjustment application A-88:329 to permit an increase in the total number of residents from 12 to 19 residents, without providing three additional required parking spaces, was recommended for denial by the Planning and Development Department. The Committee of Adjustment denied the application and no appeal was lodged by the applicant. The current proposal is identical to the application considered by the Committee of Adjustment.
- One of the prime goals of the residential care facilities by-law is to provide the resident of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 19 residents, or three times that permitted within a "C" District, would be contrary to the intent of the by-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods.
- The proposal represents an over-intensification of land use, in that adequate parking would not be provided.
- Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.

CONCLUSION

Taking into consideration that the capacity of this facility has already been increased beyond that permitted in a "C" District, and that the proposed further increase to 19 residents represents a considerable departure from the basic philosophy behind the requirements contained in the Zoning by-law, the proposal cannot be supported.

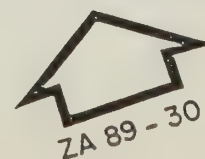
GAW:CS/ma
0130P



Legend



Site of the Application



FOR ACTION

29.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 July 06
COMM FILE:
DEPT. FILE: ZA-89-31
Vincent Neighbourhood

SUBJECT:

Request for a further modification in zoning - No. 240-244 Quigley Road.

RECOMMENDATION

That approval be given to Zoning Application 89-31, Gumiero and Pupi, owners, requesting a further modification to the "DE-2" (Multiple Dwellings) District for properties located at No. 240-244 Quigley Road, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "DE-2" (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, as amended applicable to the subject land, be further amended by including the following variance as a special provision:
 - a) That notwithstanding Section 10B(5) of By-law 6593 a multiple dwelling having a maximum gross floor area of 2600 m² shall be permitted.
- ii) That the amending By-law be added to Section 19B of Zoning By-law 6593 as Schedule S-884b, and that the subject lands on Zoning District Map E-97 be notated S-884b;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-97 for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

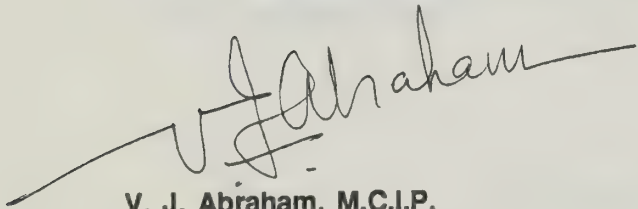
EXPLANATORY NOTE

The purpose of the proposed By-law is to further modify the "DE-2" (Multiple Dwellings) District for properties located at No. 240-244 Quigley Road, as shown on the attached map marked as Appendix "A".

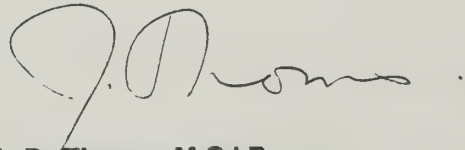
The effect of the By-law is to allow the redevelopment of the subject lands for a six storey apartment building containing a total of 22 units.

In addition, the proposed By-law provides for the following variance as a special provision:

- to allow a gross floor area of 2600 m² within the apartment building, whereas a maximum of 2069.1 m² is permitted.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

- **Proposal**

It is the applicant's intention to modify the existing zoning on the subject lands to permit the construction of a 6 storey apartment building containing 22 units with a total gross floor area of 2600 m², (27,987.08 sq.ft.).

- **By-law 84-226**

By-law 84-226 was passed by Council on October 30, 1984 to modify the "C" (Urban Protected Residential, etc.) District provisions to permit a barbershop/hairdressing establishment on the first floor of the existing residential building. By-law 84-226 only affected the southerly half of the subject lands (i.e. 244 Quigley Road).

- **By-law 88-114**

By-law 88-114 was passed by Council on April 26, 1988 which rezoned the subject lands (i.e. 240 and 244 Quigley Road) from "C" (Urban Protected Residential, etc.) District and "C" (Urban Protected Residential, etc.) Districts, modified, respectively to "DE-2" (Multiple Dwellings) District modified to permit a barbershop/hairdressing establishment on the first floor of the residential building and a business sign having a total area of 0.2 m² (2.15 sq.ft.).

APPLICANT

Gumiero and Pupi, owners.

LOT SIZE AND AREA

A rectangular shaped parcel of land having approximately:

- 45.72 m (150 ft.) of frontage along Quigley Road;
- 50.29 m (165 ft.) of lot depth; and,
- 2299.34 m² (24,750 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	A barbershop/ hairdressing establishment and single family dwellings	"DE-2" (Multiple Dwellings) Districts, modified
<u>Surrounding Lands</u>		
to the north and west	Apartment buildings	"DE-2" (Multiple Dwellings) District
to the south	Apartment buildings	"DE-2" (Multiple Dwellings) District, modified
to the east	Townhouses	"DE" (Low Density Multiple Dwellings) District, modified.

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan and is subject to the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "MEDIUM DENSITY APARTMENTS" in the approved Vincent Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Department of Building has advised as follows:

"1. Variances will be required for the gross floor area and possibly for the south side yard.

- 2. The details indicate 28 parking spaces at 2.7 m x 6.0 m. However, two of the cars parked end-to-end must be 6.7 m long".

- The Traffic Department has advised as follows:

"The application to permit the development of a 22 unit multiple residential development is satisfactory.

Our review of the preliminary plan indicates that minor modifications are required to provide adequate manoeuvring for trucks to access the loading area. Therefore, we recommend that the final plan be modified, as shown in red on the attached plan".

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers are available to service the subject land.

There appears to be some discrepancy between our records and previous plans submitted by the applicant. We are in the process of confirming whether the required road widening has been acquired or not, and therefore the applicant should be advised that a road widening may be a condition of Zoning/Site Plan approval.

The fence encroachment into the road allowance is contrary to the City Street By-law and remains at the risk of the applicant/owner. It should be removed through this development.

All portions of unused driveway ramps must be reinstated to a barrier curb cross section".

- The following agencies have no comments and/or objections:
 - LACAC; and,
 - Hamilton Region Conservation Authority.

COMMENTS

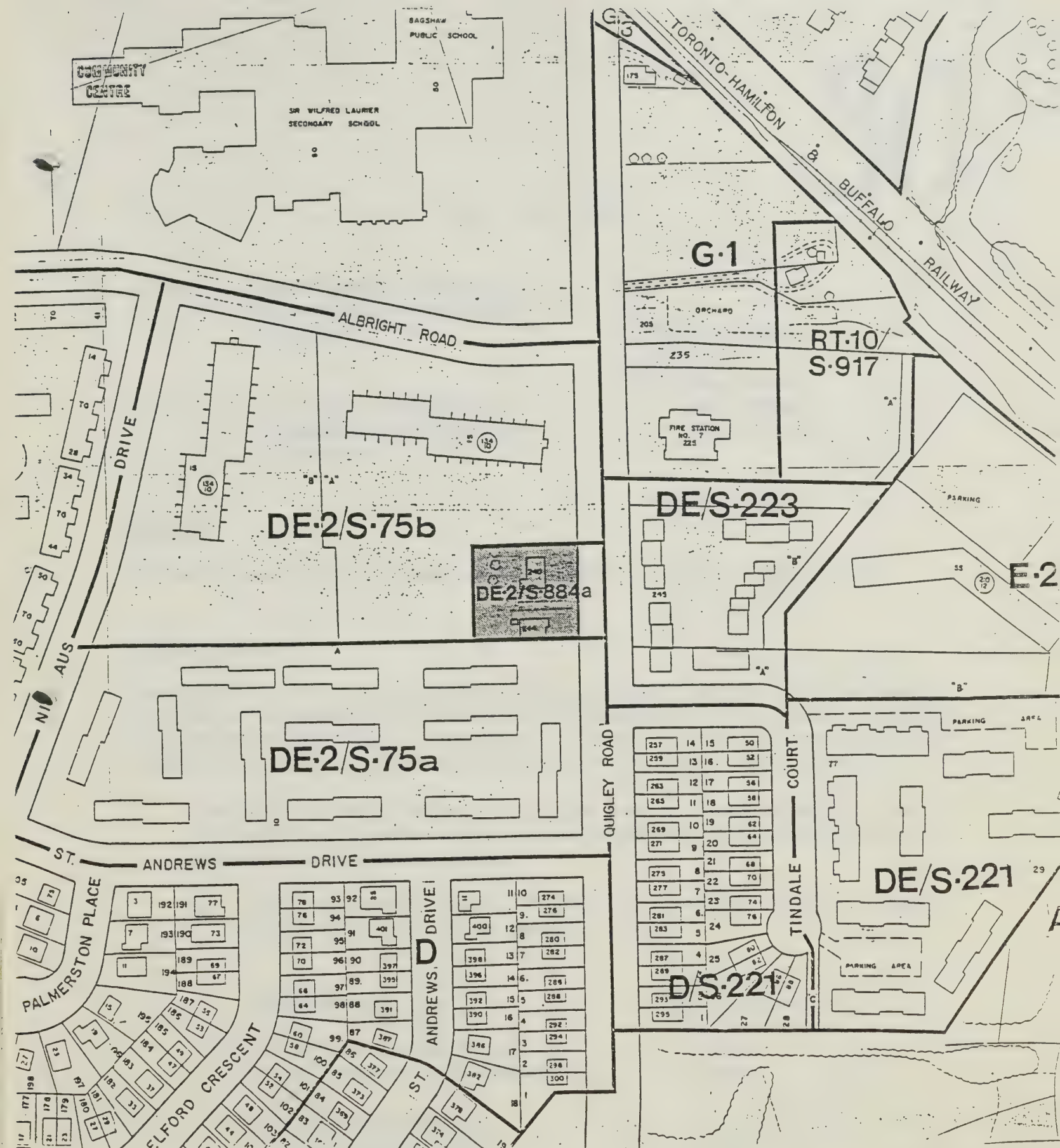
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Vincent Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - the proposed six (6) storey apartment building is compatible with the established uses in the surrounding area;
 - the proposal represents an infill situation within a fully developed area;
 - the proposal implements the "Medium Density Apartments" designation of the Vincent Neighbourhood Plan, and
 - the subject property is located along a major road
4. Approval of the application would necessitate a variance to the gross floor area requirement of Section 10B(5) of Zoning By-law 6593 which permits a maximum gross floor area of 2069.1 m² or 22,272.34 sq.ft., (i.e. 0.9 x total site area). However, the proposal has a gross floor area of 2600 m² or 27,987.08 sq.ft. which represents 1.1 x the site area. This variance can be supported for the following reasons:
 - the subject property is adjacent to other large apartment buildings; and,

- the proposed variance represents an increase of approximately 530 m² (5700 sq.ft.) in gross floor area which does not represent an overintensification of the subject property given that all other requirements (i.e. building height, parking, landscaping) of Zoning By-law 6593 are being satisfied.
5. The applicant should be aware that minor modifications are required to the manoeuvring and loading area. Given that the subject property is under Site Plan Control, matters related to manoeuvring, loading, parking and landscaping will be detailed during the site plan approval process. The applicant should also be aware that the Hamilton-Wentworth Engineering Department may require additional lands along Quigley Road, for road widening purposes.
 6. It should be noted that the proposed redevelopment will necessitate the demolition of the existing dwellings on the subject lands thereby eliminating the barbershop/hairdressing establishment use permitted within these dwellings under By-laws 84-226 and 88-114.

CONCLUSION

On the basis of the foregoing, the application can be supported.

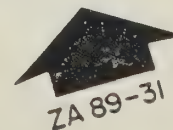
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Legend



Site of the Application



30.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 5, 1989

COMM FILE:

DEPT FILE: ZA-89-40

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT
DEPARTMENT

Hannon West
Neighbourhood

SUBJECT:

Request for a modification to the established zonings - Nos 1124 and 1136 Rymal Road East.

RECOMMENDATION:

That approval be given to Zoning Application 89-40, Gnas Land Group Inc. owner, requesting a modification to the established "M-12" (Prestige Industrial) District (Block 1), and a further modification to the "M-12" (Prestige Industrial) District (Block 2), for properties located at Nos. 1124 and 1136 Rymal Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "M-12 (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law 6593, as amended, applicable to the subject lands be modified to include the following variances as a special provision:
- a) That notwithstanding Section 17D(1)(b) of By-law No. 6593, the following COMMERCIAL USES shall be permitted:

<u>Commercial use</u>	<u>S.I.C. Identification</u>
● Home & Auto Supply Store	6341
● Tire, Battery, Parts & Accessories Store,	6342
● General Repairs Garage	6351
● Paint & Body Repair Shop	6352
● Muffler Replacement Shop	6353

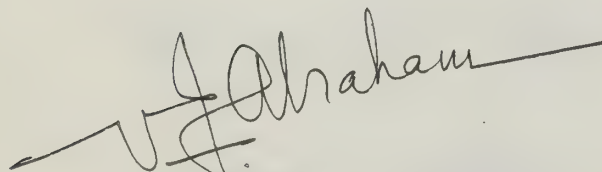
● Motor Vehicle Glass Replacement Shop	6354
● Motor Vehicle Transmission Repair and Replacement Shop	6355
● Other Motor Vehicle Repair Shop	6359
● Motor Vehicle Service	6399
● Automobile & Truck Rental & Leasing Service	9921

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59E be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

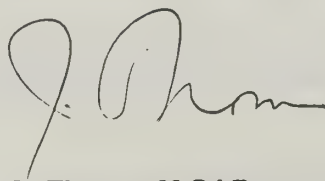
EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "M-12" (Prestige Industrial) District and a further modification to the "M-12" (Prestige Industrial) District, for Blocks "1" and "2" for property located at Nos. 1124 and 1136 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit an auto mall on the subject property.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

It is the applicant's intention to construct an auto mall on the subject lands (i.e. Blocks "1" and "2"). The auto mall will have a total gross floor area of 3,158.6 m² (34,000 sq.ft.) and 99 off-street parking spaces.

● By-law No. 86-296

On October 28, 1986 City Council passed By-law 86-296 to permit a Paint and Body Repair Shop on Block "1" (i.e. 1124 Rymal Road East).

APPLICANT

Gnas Land Group Inc., owner.

LOT SIZE AND AREA

The subject property is a rectangular shaped parcel of land having approximately:

- 92.00 (301.84 ft.) of lot frontage along Rymal Road East;
- 91.44 m (300.00 ft.) of lot depth; and,
- 0.84 ha (2.08 ac) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"M-12" (Prestige Industrial) District and "M-12" (Prestige Industrial) District, modified
<u>Surrounding Lands</u>		
to the north	vacant	"M-11" (Prestige Industrial) District

to the south	Regional Transfer Station	"M-15" (Prestige Industrial) District, modified
to the east	Vacant	"M-12" (Prestige Industrial) District, modified
to the west	Office building	"M-12" (Prestige Industrial) District

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" Land Use Concept Plan of the Official Plan, the proposal complies.

MOUNTAIN INDUSTRIAL AREA PLAN

Designated for "RESTRICTED INDUSTRIAL-COMMERCIAL" use on the approved Mountain Industrial Area Plan, the proposal does not conflict with the intent of the approved plan.

COMMENTS RECEIVED

- The Building Department has advised that:

- "1. By-law 86-296 applies to #1124 Rymal Road East. The uses allowed in this by-law cannot be located on any part of #1136 Rymal Road East.
2. The front corner landscape piece on the right side is not 20'-0" deep as required.
3. The angle parked cars in the front opposite each other do not have a 4.5 m (14.76') manoeuvring space behind them and there is a 5.5 m (18'-0") wide driveway between them (22'-0" is indicated but with parking spaces drawn properly this is only 8'6").
4. The loading space is not acceptable where its shown. This location contravenes Section 18A(10) and 18A(22).
5. The cars parked in the rear yard must have 19.69' manoeuvring length, shown is 19'-0".

6. The 10 parking spaces on the left side (east) must be 19.69' long, shown is 19'0".
7. Gross floor area indicated is 34,000 sq.ft. Does this include any mezzanine or 2nd floor levels."

- The Traffic Department, Hamilton Region Conservation Authority and The Local Architectural Conservation Advisory Committee have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"...Public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Rymal Road is 36.58 m (120 feet). We do not anticipate any further road allowance widenings at this time. Any works within the Rymal Road road allowance as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law.

According to preliminary plans submitted two accesses to Rymal Road are proposed. The details of the site plan can be finalized at the site plan stage. However, we recommend that applicant/contractor come in and discuss the site plans with our staff since this section of Rymal Road will be widened this year to accommodate a dual left turn accesses and the requirements for ditch culverts etc. will be determined at that time.

The design of the accesses and all on-site circulation of vehicles will be determined by the City of Hamilton Traffic Department. We note now the westerly access may have to be shifted easterly so as not to conflict with the left turn lane at Upper Ottawa Street."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would not conflict with the intent of the approved Mountain Industrial Area Plan which designates the subject lands for "RESTRICTED INDUSTRIAL-COMMERCIAL" purposes.
3. The proposal has merit and warrants further consideration for the following reasons:
 - the proposed "automobile mall" incorporates service type industrial uses which should be situated fronting along a major arterial road;

- the proposed uses would complement other approved automotive related uses situated on the south side of Rymal Road East in the vicinity of Upper Ottawa Street;
 - The proposed additional automobile related uses would complement the auto body repair and paint shop use already permitted on Block "1"; and,
 - City Council is on record of supporting similar auto-related uses as proposed on the subject lands (e.g. ZA 87-57 - 1160 and 1172 Rymal Road East);
4. On the basis of the preliminary site plan submitted with the application, the Building Department has advised that approval of the proposal would require the following variances:

- Landscape Requirements

A landscaped area in the front yard abutting the street line requires a minimum depth of not less than 6.0 m. The westerly corner adjoining the driveway entrance provides less than the required 6.0 m. The variance cannot be supported on the basis that the preliminary plan can be revised to accommodate the By-law requirement without significantly changing the proposal.

- Parking Spaces

- The proposed angled parking at the front of the subject lands does not have the required 4.5 m manoeuvring space. Further, the required driveway width is 5.50 m, whereas 2.59 m is provided. These variances would result in a sub-standard parking area, and therefore cannot be supported.
- The manoeuvring area for the parking spaces adjacent to the rear of the building is 5.79 m, whereas 6.0 m is required. The variance cannot be supported as there is sufficient site area to accommodate the required manoeuvring space.
- The proposed parking spaces adjacent to the easterly side property line have insufficient length of 5.79 m whereas 6.0 m is required in accordance with Zoning By-law 6593. The variance cannot be supported as it will result in a sub-standard parking area.

- Loading Space

The proposed loading space in the centre of the driveway area at the front of the building contravenes Sections 18A(10) and 18A(22) of the Zoning By-law 6593. In the regard, the By-law requires that sufficient manoeuvring area additional to the required loading space

must be provided to enable each parking space to be unobstructed and readily accessible. On this basis, the requested variance cannot be supported.

5. The subject property is under Site Plan Control By-law 79-275 as amended by By-law 87-223. Accordingly, matters related to landscaping, grading, parking, loading, fencing access will be reviewed at the Site Plan Control Stage of development.

Conclusion

Subject to the foregoing, the application can be supported.

HY/ma

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FOR ACTION

31.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 JUNE 30
COMM FILE:
DEPT FILES: ZA-89-15
SA-88-05
25T-88003

SUBJECT

Proposed Draft Plan of Subdivision "Orchard Park Estates"
Proposed Rezoning Application

RECOMMENDATION

1. Subdivision Application

- a) That approval be given to Application SA-88-05, Starward Homes, owner, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated January 31, 1989, revised to show 98 lots, 2 blocks (Blocks "99" and "100") for development with abutting lands, one block (Block "106") as a 4.57m walkway, four blocks (Blocks "101", "102", "104" and "105") as 0.3m reserves and one block (Block "103") as parkland.
 2. That the streets be dedicated as public highways and the walkway (Block "106") be dedicated as a public walkway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 6. That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise part of Block "103".

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
8. That the dead-ends and open sides of the road allowances (Blocks "101", "102", "104" and "105") created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.
9. That Blocks "99" and "100" be developed only in conjunction with abutting lands.
10. That the owner dedicate sufficient land to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.
11. That Brigadoon Drive and Street "B" be established to their full widths of 20m. Brigadoon Drive should be realigned as shown on the plan and that a bulb be established at the south easterly corner of Street "B".
12. That a 4.57m wide public walkway (Block "106") be provided for in the vicinity of Lots 9 and 10.
13. That the radii of the horizontal bends at Lots 40, 92 and 96 be specified, and minimum 2m x 2m daylight triangles be established on these lots.
14. That Crescent "C" and the adjacent lots not be registered until either Gondola Street or Duncairn Crescent is included in a registered plan of subdivision or the City has agreed to open it/them by By-law.
15. That the portion of the closed original road allowance north of Street "B" and west of Chester Avenue, if not owned by the City and which will form part of the future intersection, be acquired and established as part of the road allowance and constructed from Chester Avenue westerly to Street "B".
16. That Lots 70-98 not be registered until the lands westerly have been developed or alternatively, an easement from Brigadoon Drive is extended to Crescent "C" is provided for.
17. That the owner prepare and implement a tree preservation plan.
18. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

19. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

- c) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-05), Starward Homes, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

That approval be given to amended Zoning Application 89-15, Starward Homes Limited, owner and prospective owner, to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands north of Stone Church Road West and west of Chesley Street, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9B, W-9C, W-17B and W-17C for presentation to City Council; and
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

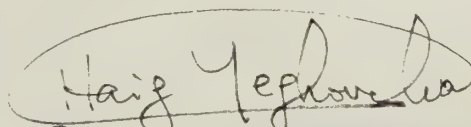
EXPLANATORY NOTE

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the subject lands, as shown on the attached map marked as Appendix "A".

The effect of the proposed change is to subdivide the subject lands into building lots for single-family detached dwellings.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



for V. J. Abraham, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Starward Homes, Hamilton, Ontario

Surveyor

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location

The lands, comprising 9.929 ha, are located north of Stone Church Road West and west of Chesley Street in the Gourley Neighbourhood, City of Hamilton. The application also includes lands presently owned by the City of Hamilton with an approximate area of 1.09 ha.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	public school and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) Districts
to the west	vacant	"AA" (Agricultural) District

SUBDIVISION PROPOSAL

The owner revised the plan and now proposes to subdivide the lands into 101 lots, 2 blocks for development with abutting lands and one block for open space.

REZONING PROPOSAL

The applicant's agent in a letter dated February 14, 1989 requested that the City-owned lands (i.e. Block "2" on Appendix "B") be included in the rezoning and subdivision applications with their lands. It is the applicant's intent to sever these lands once the public street is established and they hold title to the property. Accordingly, at its meeting held on May 30, 1989 Council approved to include the City-owned lands with Zoning Application 89-15 and Subdivision Application 88-05 Starward Homes Limited.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Single and Double" housing, "Park and Recreational", and "Utilities". The proposal does not comply with the area of park and recreational land use as approved by City Council.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the Zoning By-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs;
Ministry of Transportation;
Ministry of the Environment;
Ministry of Natural Resources;
Ministry of Culture and Communications;
Hamilton Region Conservation Authority;
Union Gas, Bell Telephone, Ontario Hydro;
City of Hamilton Board of Education;
Hamilton-Wentworth Separate School Board;
City of Hamilton Traffic Department;
City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations (on the basis of the submitted revised plan):

1. It is recommended that the subdivider dedicate sufficient land to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.
2. It is recommended that Brigadoon Drive and Street "B" be established to their full widths of 20m. Brigadoon Drive should be realigned as shown in red on the attached plan.
3. It is recommended that a public walkway be provided for in the vicinity of Lot 9 and Blocks "92" and "93", in accordance with the neighbourhood plan.
4. The radii of the horizontal bends at Lots 40, 84, and 88 must be specified, in any event we require minimum 2m x 2m daylight triangles on these lots.
5. It is recommended that Crescent "C" and the adjacent lots not be registered until either Gondola Street or Duncairn Crescent is included in a registered plan of subdivision or the City has agreed to open it/them by by-law.
6. The portion of the closed original road allowance north of Street "B" and west of Chester Avenue, if not owned by the City and which will form part of the future intersection should be acquired and established as part of the road allowance and constructed from Chester Avenue westerly to Street "B" (see attached plan).
7. Lots 60-90 should not be registered until the lands westerly have been developed or alternatively, an easement from between Lots 66 and 67 and extended to the area between Lots 56 and 57 is provided for.
8. The owner must enter into Subdivision Agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.
9. The submitted plan, as prepared by A. J. Clarke and Associates and dated January 31, 1989, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

For your information

1. The proposed subdivision can be serviced to the existing municipal storm and sanitary sewer system on the lands easterly.
2. Lots 1-59 can be serviced for water if the existing watermain is extended along Chester Avenue to Street "D".

3. Regional share, which will be recoverable, is expected to be approximately \$200,000.00.
4. A 12m wide sewer easement is being acquired by the Region from Street "B" to Chesley Street between Lots 29 and 30 (Registered Plan No. 823).

2. Rezoning Application

The following agencies have no comments and/or objections:

- Hamilton-Wentworth Mountain East-West and North-South Transportation Corridor Project Office;
- Hamilton Region Conservation Authority;
- Traffic Department; and
- Department of Buildings.

The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains as well as storm and sanitary sewers will be subject to a plan of subdivision.

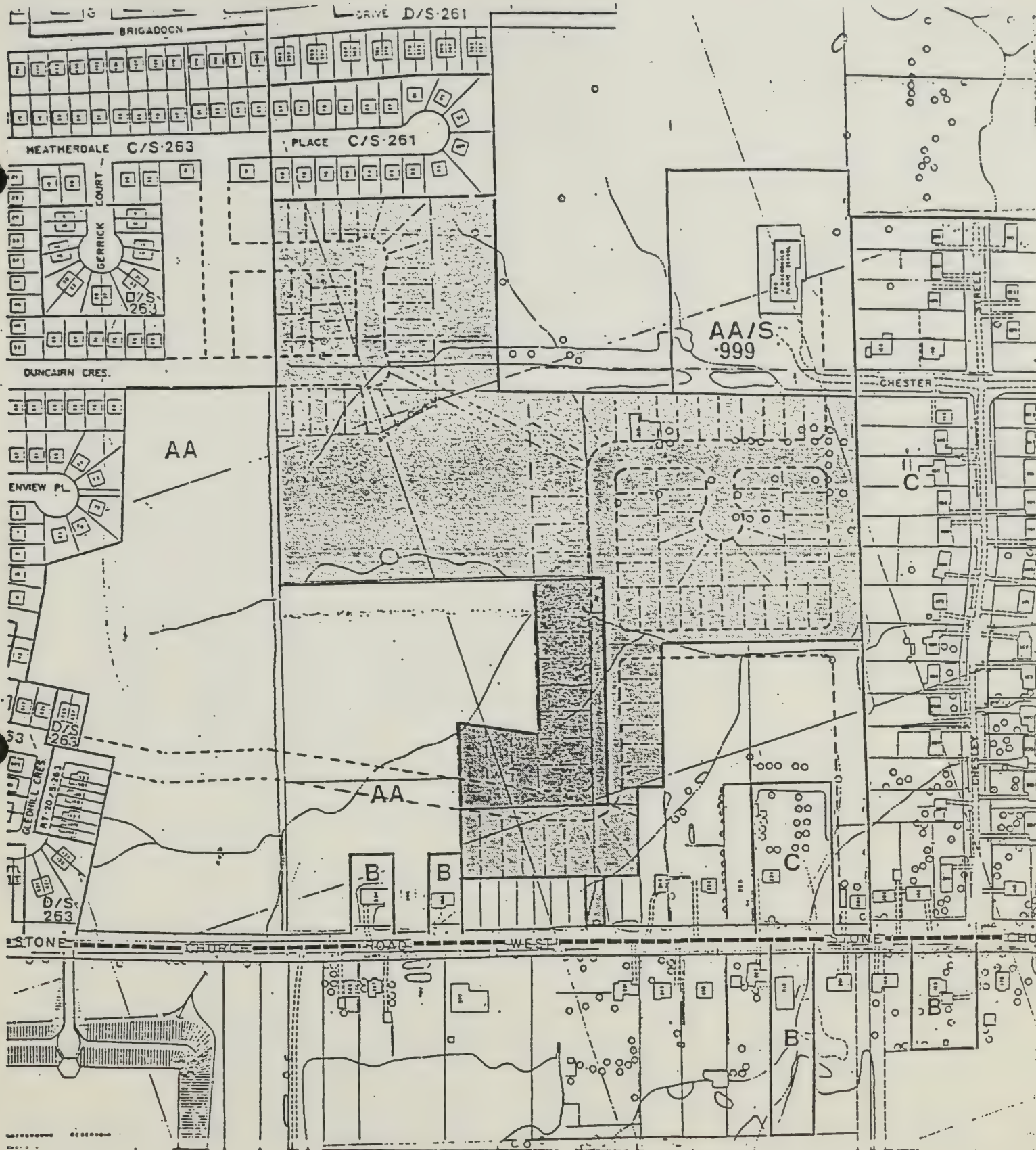
The designated road allowance width of Stone Church Road is 30.48m (100 feet). As a condition of developmental approval (Zoning or Subdivision) we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24m (50 feet) from the centreline of the original road allowance. This can be dealt with at subdivision or severance stage. The subject lands should be developed in accordance with the approved Gourley Neighbourhood Plan through a satisfactory plan of subdivision."

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for a zoning by-law amendment is noted.
3. The plan was revised by:
 - deleting lots 56, 57, 66 and 67 and including the same as parkland;
 - establishing a 4.57m wide walkway between Lots 9 and 10;
 - making corresponding lot line changes;
 - realigning proposed Brigadoon Drive in the location of Lots 1-4; and

- showing a bulb at the south easterly corner of proposed street "B".
4. The lands include an area designated for a park in the approved Neighbourhood Plan, therefore, it is recommended that land be taken as the parkland requirement for this plan of subdivision.
 5. No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.
 6. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of both the Official Plan and the approved Gourley Neighbourhood Plan;
 - it would be compatible with existing and future development in the area; and,
 - the requested change in zoning is appropriate for the proposed development.

JLS/jd

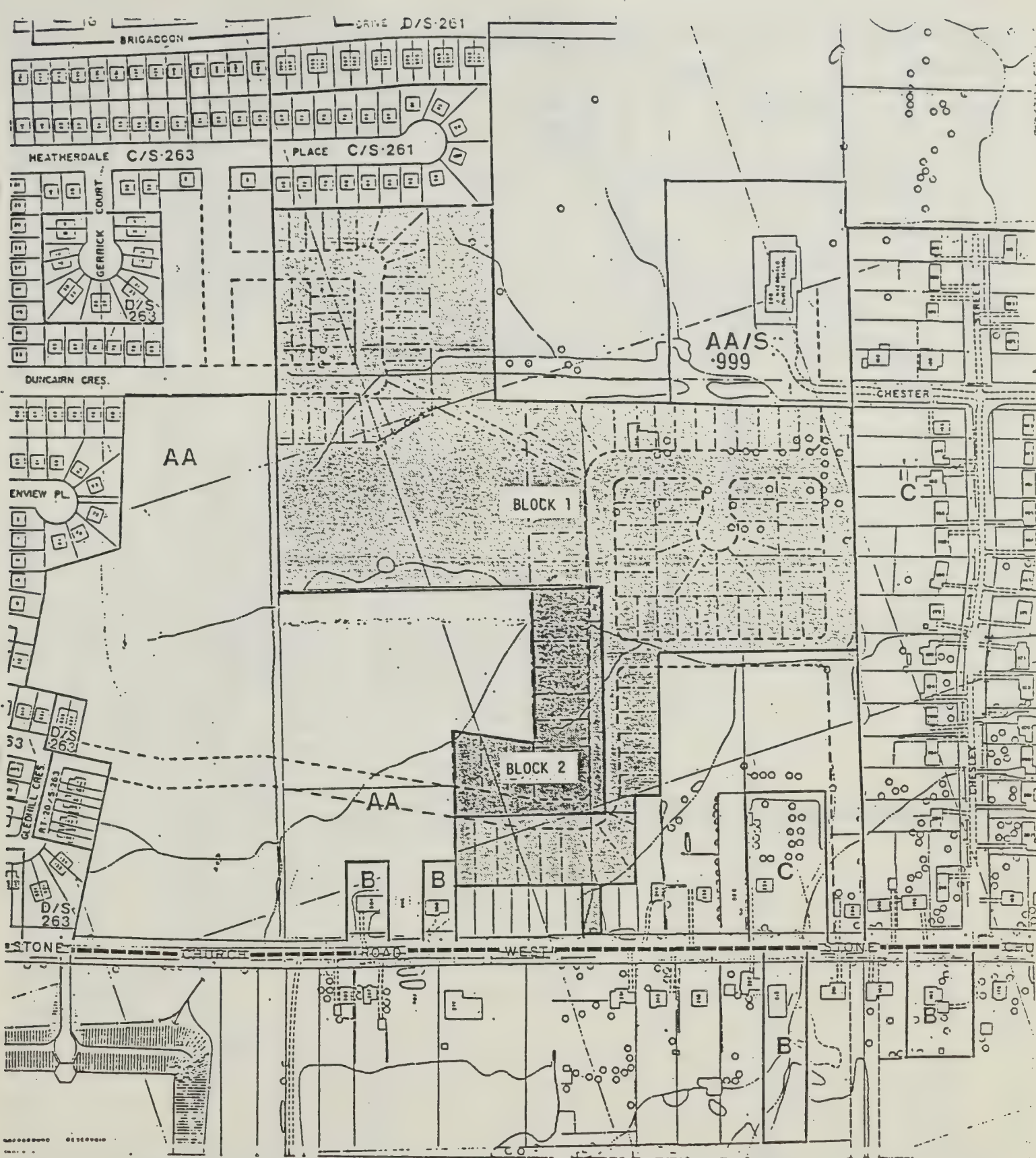


LEGEND



SITE OF THE APPLICATION





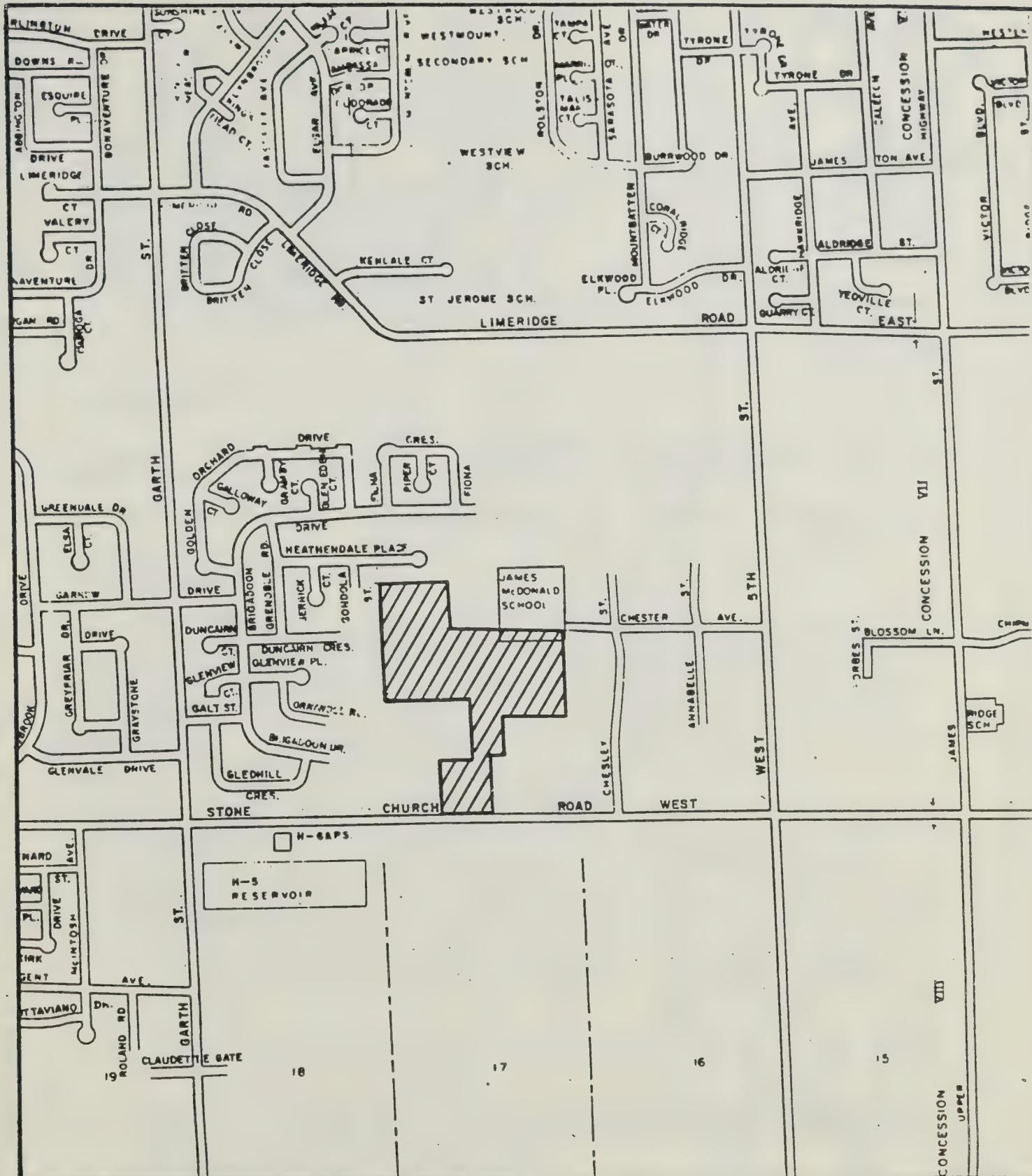
LEGEND



SITE OF THE APPLICATION

BLOCKS 1 & 2





Location Plan For ORCHARD PARK ESTATES

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 PROPOSED SUBDIVISION

North



Scale
N. T. S.

Date
FEB. 15, 1988

Reference File No.
25T-88003

Drawing No.

KEY PLAN



DRAFT PLAN OF

Orchard Park Estates

PART OF LOT 17 - CONCESSION 7

PART OF THE ROAD ALLOWANCE BETWEEN LOTS 18 AND 17

CONCESSION 7

CITY OF HAMILTON

IN THE MUNICIPALITY OF HAMILTON - ONTARIO

4 J. Clark O.L.A. 1989

SCALE: 1" = 100'

NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE CHAPTER 349-B.30-1980 SECTION 50(1) PLANNING ACT

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SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBMITTED AS DRAFT PLAN TO THE CITY OF HAMILTON FOR THE PURPOSE OF THE PLANNING ACT ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: 31. 1. 1989

SURVEYOR: J. Clark

OWNER'S AUTHORIZATION

I, the undersigned, being the registered owner of the subject lands, hereby authorize J. Clark and Associates Ltd. to prepare and submit to the City of Hamilton for their approval, a draft plan of the lands shown on this plan.

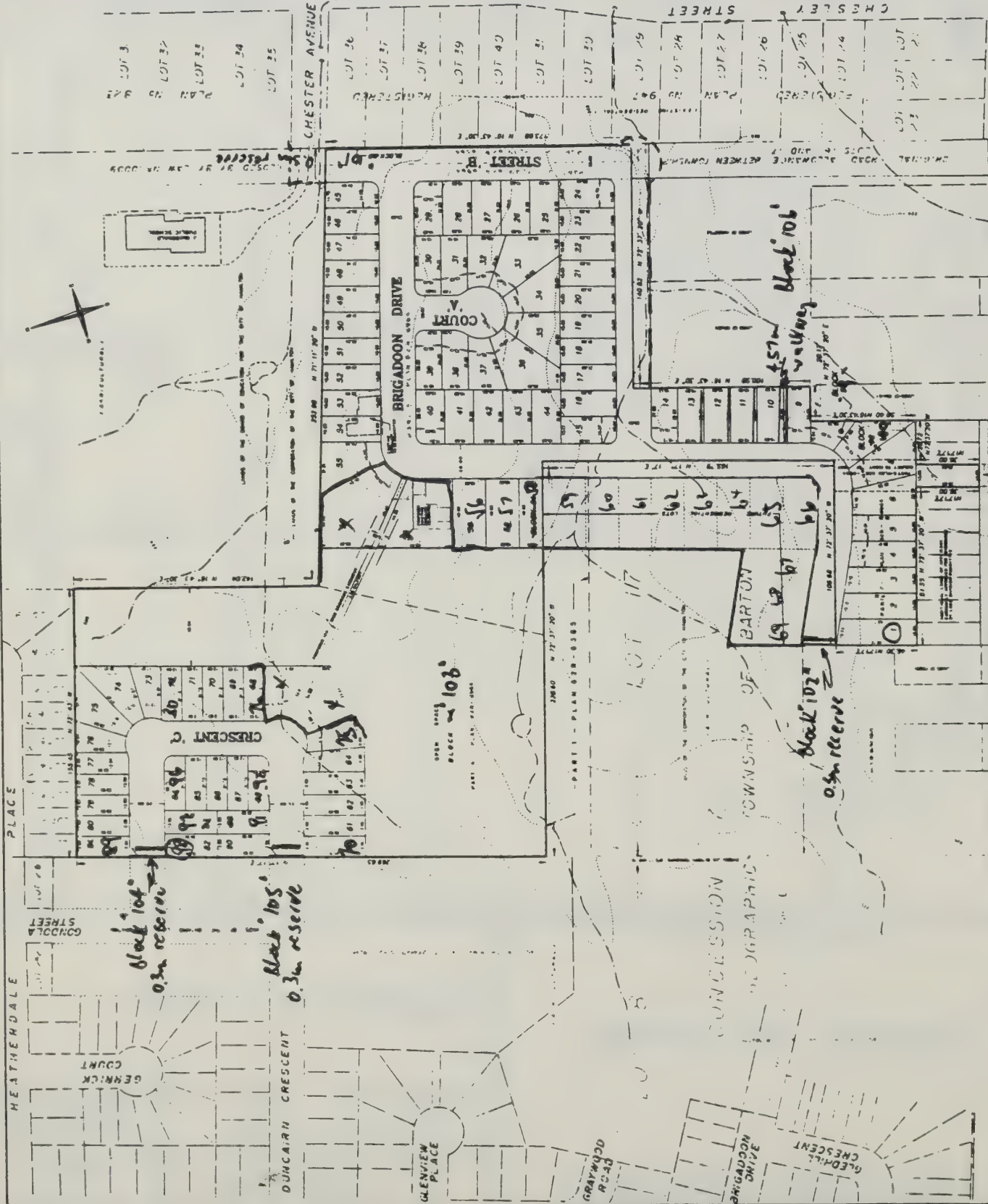
DATE: 31. 1. 1989

OWNER: J. Clark

LAND USE SCHEDULE

WITH REFERENCE TO THE CITY OF HAMILTON LAND USE BY-LAW, 1988, THE LANDS SHOWN ON THIS PLAN ARE ZONED R-10 (RESIDENTIAL SINGLE DETACHED DWELLINGS).

A J. Clark and Associates Ltd.
 611 DUNDAS STREET WEST, SUITE 100, HAMILTON, ONTARIO L8N 3Z5
 TEL: (905) 571-1111
 FAX: (905) 571-1112



STONE CHURCH ROAD WEST ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 7 AND 8

173770'

173770'

FOR ACTION

32.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1989 June 29
COMM FILE:
DEPT. FILE: ZA-89-05
DURAND
NEIGHBOURHOOD

SECOND REPORT

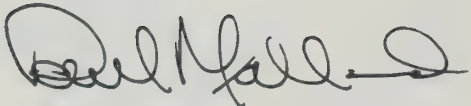
SUBJECT:

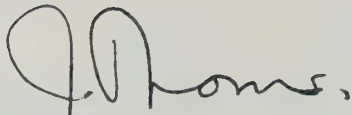
Request for a further modification in zoning - 10 Herkimer Street.

RECOMMENDATION

That Zoning Application 89-05, 583783 Ontario Inc. (D. and F. Steller), owners, requesting a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit expansion of the existing residential care facility from 34 residents to 58 residents while providing only 7 of the 20 required parking spaces, for property located at No. 10 Herkimer Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) One of the prime goals of the Residential Care Facilities By-law is to provide residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 58 residents, or nearly three times that permitted, would result in the creation of an "Institutional" use. The proposal is contrary to the intent and philosophy of the By-law and Provincial policies, which were designed to encourage smaller facilities in residential neighbourhoods.
- ii) It represents an over-intensification of land use, in that adequate parking would not be provided.
- iii) Approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.
- iv) The subject lands are located within 180.0 m (600 feet) of 2 other Residential Care Facilities.


J. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

- First Report

At its meeting of March 29, 1989, the Planning and Development Committee TABLED the subject zoning application at the request of the applicants.

Concerns had been raised respecting the proposed demolition of No. 10 Herkimer Street, and the applicants wanted an opportunity to meet with the Durand Neighbourhood Association to discuss a mutually agreeable proposal in this matter.

- Proposed Development

The purpose of the application is to permit the expansion of the existing residential care facility from 34 to 58 residents. A total of 26 units are to be added by constructing a new 3 storey wing on the west side of the existing building, thereby facilitating the retention of the existing dwelling known as No. 10 Herkimer Street (see APPENDIX "B").

Seven (7) parking spaces are to be provided on site, with an additional 3 spaces to be located on adjoining lands to the rear (No. 11 Charlton Avenue West) which is also owned by the applicant.

- By-law 83-217

City Council at its meeting held on July 27, 1983 passed By-law 83-217 which provided for a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations on the subject lands. The effect of the By-law was to permit the construction of a 2 storey addition to the rear of the existing building, and use the property for a residential care facility for a maximum of 30 residents of at least 60 years of age. In addition, the by-law required the applicant to provide:

- 9 parking spaces on the site;
- a side yard along the easterly lot line having a width of 3.0 m (9.84 ft.);
- a side yard along the westerly lot line having a width of 6.0 m (19.7 ft.).
- a rear yard having a depth of 4.6 m (15.1 ft.).

• Committee of Adjustment

On September 5, 1987, the Committee of Adjustment considered and approved minor variance application A-87-222 to permit an increase in the capacity of the existing residential care facility from 30 residents to a maximum of 34 residents, without providing the required 2 additional parking spaces. The Planning Department comments submitted in conjunction with the minor variance application recommended denial of the application on the basis that:

- the variance is not considered to be minor in nature.
- it is located within 600 feet of another residential care facility.
- approval of the application would set an undesirable precedent for future similar applications to increase the number of residents.

APPLICANTS

583783 Ontario Inc. (D. and F. Steller), owners.

LOT SIZE AND AREA

- 31.68 m (103.95 ft.) of lot frontage on Herkimer Street;
- 53.68 m (176.11 ft.) of lot depth; and,
- 1,700.58 m² (18,305.5 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Subject Land Use</u>	<u>Existing Zoning</u>
Subject Lands	Residential Care Facility for 34 residents	"E-1" (Multiple Dwellings Lodges, Clubs, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	Duplex, single-family dwellings and a Residential Care Facility	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	Apartments	"DE-3" (Multiple Dwellings) District
To the east	Mixed residential and commercial uses	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District
To the west	Apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN

Designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan. The following policy, among others, would apply:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce, defined as establishments involved in buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas, provided that they have been designated in the Neighbourhood Plan:

- (i) Residential uses subject to the following provisions:
 - a) Access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) Any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;....."

The proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Commercial and Apartments" on the approved Durand Neighbourhood Plan, the proposal does not comply. Approval of the application would necessitate an amendment to the Durand Neighbourhood Plan to redesignate the subject lands from "Commercial and Apartments" to "Medium Density Apartments".

COMMENTS RECEIVED

- The Building Department has advised of the following with respect to the revised proposal:

"Variances will be required for the following:

1. The three parking spaces at the rear are not on the same lot.
2. The 4'2" west side yard does not comply.
3. The 15'11" north rear yard does not comply. Required is 18.8'.
4. The residential care facility will require 20 parking spaces and one per any dwelling unit.
5. The maximum number of residents permitted for this zone is 20. Committee of Adjustment decision A-87-222 permitted 34 in 1987".

- The Traffic Department has advised that:

"The application to permit the expansion is satisfactory subject to the provision of off-street parking in accordance with the Zoning By-Law for the existing facility plus the additional 25 residents."

- The Hamilton-Wentworth Department of Social Services has advised that:

- "1. We do not have a subsidy contract with this second level lodging house and cannot comment on the care provided; we do know, however, that it has an excellent reputation in the community.
2. If Mr. and Mrs. Stellar applied for a subsidy contract, our current policy - 24 bed maximum would exclude them.
3. When their 34 bed facility was built, a zoning amendment was necessary. The Durand Neighbourhood Association had comments to make at that time, and we strongly suggest that they be asked for comments re this expansion plan."

- The Local Architectural Conservation Advisory Committee has advised as follows:

"Heritage Status: The 1923 Crerar home forming part of the Durand Seniors' Residence is listed on the City's Inventory of Buildings of Architectural and Historical Interest.

Comments:

The revised site plan showing that the existing house would be retained rather than demolished, as originally proposed, has been reviewed by LACAC's Research Sub-Committee. The Committee was pleased to see that the original Crerar home would be retained and had no objections to the revised proposal for a 3-storey addition to be erected on the west side of the lot behind the house, provided that the "listed" house at 11 Charlton Avenue West would not be demolished to provide additional parking spaces".

- The Hamilton-Wentworth Engineering Department has advised that:

"...Public watermains as well as sanitary and storm sewers are available to service the subject lands.

We do not anticipate any further road widenings at this time."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Durand Neighbourhood Plan which designates the site for "Commercial and Apartments". Approval of the application would require an amendment to redesignate the site from "Commercial and Apartments" to "Medium Density Apartments".

3. The Building Department has advised that approval of the application would require the following By-law variances:

<u>Variance</u>	<u>Required</u>	<u>Proposed</u>
Westerly side yard (Section 11(3)(ii)(b))	approx. 7.0 m	1.26 m
North rear yard (Section 11(3)(iii)(b))	5.73 m	4.8 m
Off-street parking (Section 18A - TABLE 1-1.(1))	20 spaces and 1 per dwelling unit	7 spaces plus 3 off-site unit

In the absence of a detailed site plan, it cannot be determined whether additional variances would be required (e.g. landscaping, gross floor area, etc.). Accordingly, if the application were approved the applicant would have to make a further application to the Committee of Adjustment for any variances identified at the Site Plan Approval stage.

4. The proposal to permit a further expansion of the established residential care facility from 34 residents to 58 residents cannot be supported for the following reasons:

- By-law No. 81-27 respecting the regulations of residential care facilities and short-term care facilities was passed by City Council on January 13, 1981. The effect of the By-law was to permit such facilities in a broad range of residential and commercial districts, with specific resident capacity limits and separation distances.

The subject lands are zoned "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District. As set out under the "E-1" District provisions, a residential care facility with a maximum capacity of 20 residents is permitted, provided that it is situated on a lot having a minimum radial separation distance of 180.0 m (600 feet) to any other lot occupied or as may be occupied, by a residential care facility or short term care facility.

As noted in the background section of this report, previous rezoning and Committee of Adjustment applications were approved to permit a maximum of 34 residents, notwithstanding that this facility is within 180.0 m (600 feet) of two other established facilities (i.e. 52-56 Charlton Avenue West (Big Sister Association), and 15 Charlton Avenue West (Wayside House of Hamilton)).

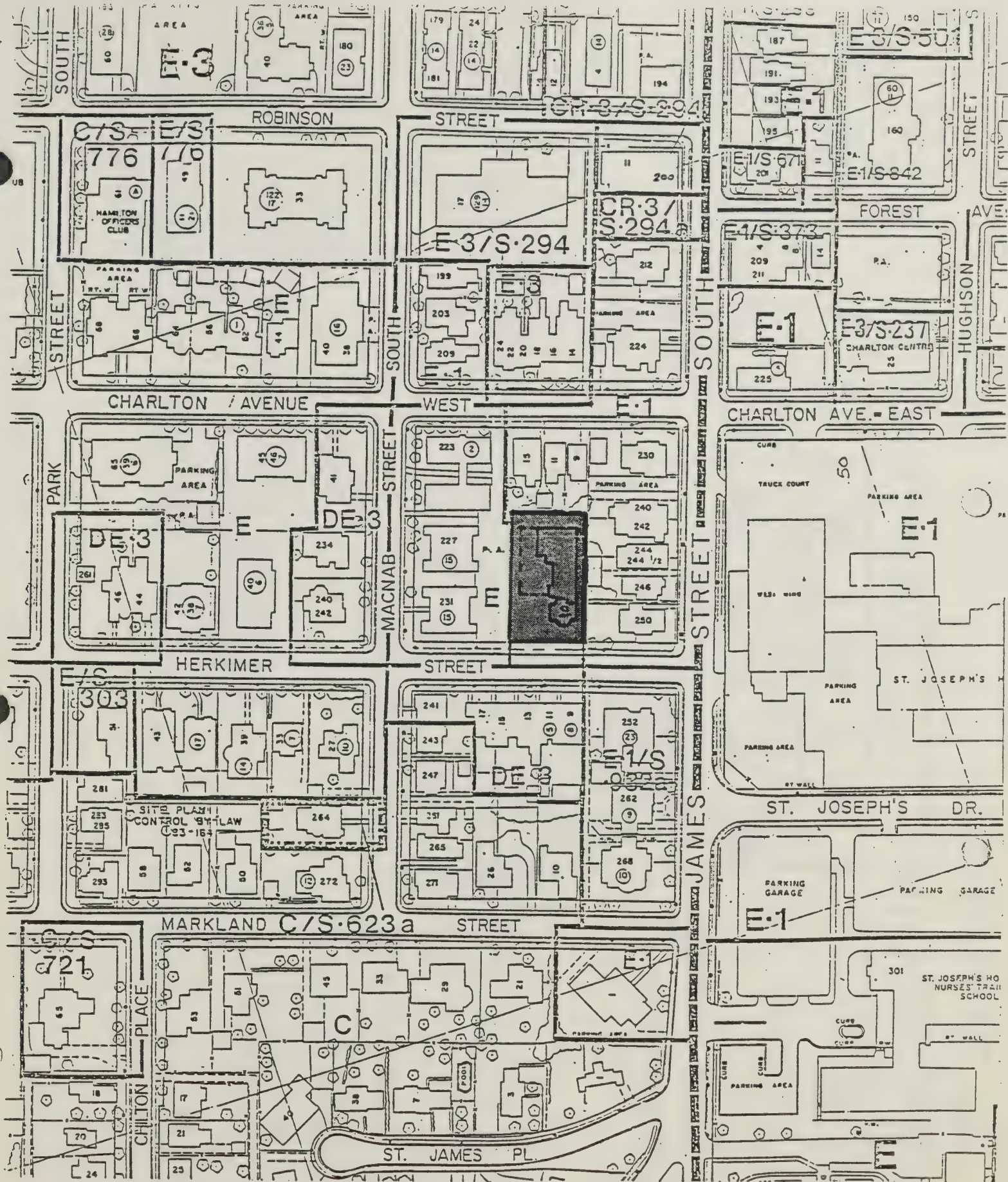
One of the prime goals of the residential care facility by-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation in a residential neighbourhood. The proposed increase in capacity to a maximum of 59 residents, or nearly three times that permitted, would result in the creation of an "Institutional" use. The proposal represents a significant departure from the provisions of the Residential Care Facilities By-law and is contrary to the Provincial policies which were designed to encourage smaller facilities in residential neighbourhoods.

- It represents an over-intensification of land use, in that adequate parking would not be provided.
- Approval of the application may encourage other future similar applications which, if approved, would undermine the purpose and intent of the Residential Care Facilities By-law.

CONCLUSION

Taking into consideration that the capacity of this facility has already been increased beyond that permitted in an "E-1" District, and that the proposed further increase in capacity to 58 residents represents a considerable departure from the basic philosophy behind the requirements contained in the Zoning By-law, the proposal cannot be supported.

GAW:nd
WP0019P



LEGEND



SITE OF THE APPLICATION





32a

W. T. SCRIVEN — F.R.I. REALTOR



July 5th 1989

Re planning dept file ZA-89-05
10 Herkimer Str., Hamilton, Ont.

Gentlemen:

Although I live at the above address, I also own a residence at 192 Bold Street. I have also been a Real Estate Broker in this area for 24 years. I mention that only for the reason that I am familiar with the area and also what happens to districts and neighborhoods when too much density prevails.

Due to the nature of the area, such as older homes with no private driveway s and high rise apartments with not parking spaces for tenants and visitors, parking is at a premium in the area and congestion is getting worse every year. Being in the business I am I am certainly not against growth but it must be harmonious with living pleasantly.

I appose the expansion of this residential care facility from 34 to 58. To take a large proportion of parking to accommodate another building is not good sense and not good planning. Will good ingress and egress be available for these elderly people who may require Fire Trucks or ambulances.

If the house was to be demol'shed (a great shame) I am willing to reconsider my objection.

I would like to state that I have no conflict of interest in this matter,

You's Truly,


W.T. Scriven

Bert & Emily Visheau
227 Mac Nab St. S. #3
Hamilton Ont.
8P-369
24-1750

July 32b.

Dear Sirs -

Regarding the amended application -
583783 pertaining to - 10 Herkines St:

We have sent our card opposing this change.
I would like to state the reason.

As we are living in the lower level of - 227 Mac Nab St. S.
and are in the North, East corner of said
building, Our location would be blocked out of
sunlight, which we get in the A. M.

The sunlight in the A. M. was one of the
major reasons for purchasing this unit.

Yours truly
Bert Visheau

ACCOPRESS® 

25070	YELLOW/JAUNE	BY2507
25071	BLACK/NOIR	BG2507
25072	BLUE/BLEU	BU2507
25073	R. BLUE/BLEU R.	BB2507
25074	GREY/GRIS	BD2507
25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
25078	RED/ROUGE	BF2507
25079	X. RED/ROUGE X.	BX2507

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